

No. 36

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Thursday, 2018-06-28T10:00,
City Hall Main Auditorium, Church Walk, Durban

PRESENT : Councillors WL Mapena (Speaker), F Peer (Deputy Mayor), MA Ally, J Annipen, S Aslam, A Beetge, S Bhanprakash, MPN Bhengu, MC Bhengu, NC Biyela, T Biyela, M Brauteseth, S Brijmohan, WJD Burne, SS Butelezi, VP Caluza, H Cele, NT Cele, J Chetty, BA Chili, R Cloete, TP Collins, M David, HU De Boer, SV De Boer, GT De Lange, AN Dlamini, CB Dlamini, JA Dlamini, SB Dlamini, SR Dlamini, MP Dlomo, BA Fortein, VE Gebashe, R Gokool, G Govender, S Govender, Y Govender, NL Graham, BR Gumede, NC Gumede, NP Gumede, TR Gumede, ZD Gushu, MS Gwala, MH Haniff, GJ Hegter, NP Hlomuka, S Hoosen, NB Hoosman, JA Johnson, SA Kaunda, DM Khanyile, ES Khanyile, KNN Khubone, JS Khuboni, PZ Khumalo, HL Khubisa, S Khuzwayo, CJ Laing, CB Langa, P Luthuli, TJ Luthuli, MT Mabaso, NI Madlala, A Maharajh, B Majola, TG Makhanya, ZP Makhanya, NZ Maluleka, MW Manqele, PM Mbambo, V Mbanjwa, AM Mbele, RD Macpherson, SM Mdlalose, FW Mdletshe, LM Meyer, K Mhlaba, GN Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, HGB Mkhize, KV Mkhize, MM Mkhize, MP Mkhize, S Mkhize, SM Mkhwanazi, PS Mncube, SB Mngadi, SV Mngadi, LC Mnguni, NE Mnguni, BV Mngwengwe, LN Mngwengwe, SR Moodley, S Moonsamy, B Mpanza, SB Mpanza, SNL Mshengu, B Msomi, LG Mthembu, M Mthembu, MGF Mthembu, MM Mthembu, ON Mthembu, TM Mthethwa, TT Mthiyane, N Munien, AB Mvubu, RM Mzobe, BD Naidoo, J Naidoo, X Nala, PL Ncayiyana, BP Ndlela, AB Ndlovu, PB Ndlovu, MK Ndzimbomvu, S Ngema, TT Ngubane, SJM Nhlapho, MS Nkosi, DR Nowbuth, GM Noyce, B Ntshangase, PC Ntshangase, SC Ntshangase, BT Ntuli, PB Ntuli, PH Nxumalo, NP Nxumalo, W Nyaba, NN Nyanisa, MS Nyawose, TT Nzuzi, CJ Pappas, BW Phewa, JP Phewa, TK Phohlo, BP Phungula, D Pillay, DR Pillay, KR Pillay, P Pillay, JP Prinsloo, GDA Pullan, MD Qwabe, A Ramkisson, A Rampersad, S Sewshankar, AN Shabalala, MG Shange, SG Shange-Dlamini, MT Shelembe, ES Shezi, MC Shezi, VH Shezi, BP Shoji, DM Shoji, HP Shoji, M Sibisi, N Sibiya, PN Sikhosana, B Singh, EL Singh, Sagar Singh, Samier Singh, PS Sishange, NI Sithole, AD Snyman, ZR Sokhabase, M Tembe, JB Thabethe, S Thango, JC Van den Berg, SM Windvogel, C Xesibe, MC Xulu, TV Xulu, NY Young, BM Zulu, GB Zulu, TM Zuma, TG Zungu, MH Zwane and there being one (01) vacancy.

ABSENT : Councillors ZRT Gumede (Mayor) (On leave – Municipal business), TJT Cibane (On leave – Indisposed), MAK Dladla, HD Goge (On leave - Indisposed), PJC Graham (On leave), RC Hlophe (On leave - Indisposed), NB Iyir (On leave), M Johnson, NL Khuzwayo, ZW Khuzwayo (On leave), SNC Khwela (On leave – Indisposed), TN Mabanga, SD Maphumulo (On leave), P Mfeka, TP Mfusi

(On leave - Indisposed), BA Mkhize (On leave – Indisposed), SM Mkhize (On leave), E Mngadi (On leave – Indisposed), NE Mthembu, M Nair (On leave), ZS Ndzoyiya, AS Ngcobo, BS Ngiba (On leave), MM Ngiba, M Nojiyeza (On leave), BR Qhantsi (On leave – Indisposed), S Ryley (On leave), B Shabane, KT Sibisi, WM Thring (On leave) and MBR Zuma.

AMAKHOSI

PRESENT : Inkosi NC Maphumulo, Inkosi KT Mkhize, Inkosi S Mlaba, Inkosi JP Shangase, Inkosi EB Shozi and Inkosi MJ Ngcobo.

AMAKHOSI

ABSENT : Inkosi BF Bhengu (On leave), Inkosi VR Cele (On leave), Inkosi TF Gwala (On leave), Inkosi NM Hlengwa, Inkosi PP Luthuli (On leave), Inkosi KS Makhanya, Inkosi DZ Mkhize (On leave), Inkosi LD Mkhize, Inkosi TBE Mkhize, Inkosi RF Mthembu and Inkosi MB Ngcobo.

OFFICIALS

PRESENT : Messrs/Mesdames SC Nzuzwa (City Manager), G Phungula (Head: Legal Services and Compliance), S Shezi (Deputy Head: Legal Services and Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), T Ndlovu (Senior Manager: Secretariat), M Lelosa (Manager : Council Committees) and K Munthrie (Principal Committee Officer).

(At the commencement of the meeting 183 Councillors were present, comprising ANC – 107, DA - 53, IFP - 7, EFF - 4, INDEPENDENT - 3, AIC - 3, ACDP – 0, MF - 1, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1).

1. NOTICE CONVENING THE MEETING

The City Manager read the Notice convening the meeting as per the statutory requirement.

2. OPENING

The Speaker declared the meeting open and extended a warm welcome to Her Worship the Mayor, the Deputy Mayor; Members of the Executive Committee; Honourable Councillors and Traditional Leaders; Distinguished Guests; City Manager; Deputy City Managers and Heads present; Legal Services and Compliance officials; Media; Members of the Public and Members of the Administration.

Having observed poor attendance at the meeting by Senior Officials, the Speaker wished it recorded that Deputy City Managers reporting directly to the City Manager should be present at all meetings of the Full Council.

3. AFRICAN UNION AND NATIONAL ANTHEM

At the request of the Speaker the meeting stood to sing the African Union Anthem and the National Anthem of the Republic of South Africa.

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested Council to observe a moment's silence for all those who had passed on.

5. OFFICIAL ANNOUNCEMENTS

On behalf of the City the Speaker congratulated winners of the 2018 Comrades Marathon, Bongumusa Mthembu, the first South African male to win back-to-back since 1988 and Ann Ashworth who won the first prize in the female category. He advised that more than 20 000 athletes participated in this year's marathon and extended his thanks to all those who ensured the event was a success.

Congratulations were extended to all the African Teams who participated in the 2018 Russia World Cup. Although already exited with the exception of Senegal at that stage, the Teams showed good character and exited in style.

The City also congratulated KZN Hip Hop Artist Mr Jabulani "Sjava" Hadebe for winning the first ever BET Award in the "Viewers" Choice Best International Act category. Congratulations were also extended to Mr Krish Kumar, (Deputy City Manager: Finance) who was voted the "Public Sector Chief Financial Officer of the Year.

The Speaker congratulated all Councillors celebrating their birthdays in June 2018, especially Councillors R Gokool; MM Mkhize and AB Ndlovu who celebrated their birthdays on Youth Day, 16 June. He elucidated on the significance of the day highlighting that on 16 June 1976 the youth of Soweto and other townships across the Country gathered in a mass demonstration against the compulsory use of Afrikaans as a medium of instruction. It was noted that the City held successful programmes during Youth month including the Youth Employability Indaba and the Career Expo.

The Speaker requested Councillors to note that Council would be in recess from Monday, 02 July to Friday, 13 July 2018 and all urgent matters requiring Council approval would be dealt with in terms of Rule of Order 28 of the Rules of Order By-law..

Councillors were requested to switch their microphones off after speaking to avoid interference with the sound system and talk slowly and clearly during the proceedings for the interpreters.

The Speaker reminded Councillors of Rule of Order (16). As per this Rule, Councillors were requested to conduct themselves in a respectful manner, to refrain from interrupting the proceedings and were encouraged to conduct business with the highest decorum and integrity that the occasion and the residents of the Municipality deserved.

6. SPEAKER'S REPORT

The Speaker introduced the new Head of Legal Services, Mr Gideon Phungula who was previously an attorney and Notary Public at the High Court, with a combined experience of 21 years in both private and corporate law.

The Speaker congratulated Councillor NL Graham of the Democratic Alliance on her appointment as the Party Whip and bade Councillor S Hoosen farewell, wishing her well on her appointment as a Member of the Provincial Legislature.

Councillors were cautioned on the use of Rules of Order 18 and 27 specifically in response to questions and information required, taking cognisance that some Councillors were bypassing PAIA (Public Access to Information Act).

Commenting on the Back to Basics report for the month of May 2018, the Speaker expressed concern that some Councillors had not convened monthly nor quarterly Ward Committee meetings. It was reported that in May 2018 only 33 Community meetings and 87 Ward Committee meetings were held. In June 2018 there was a noted decline of only 30 Community meetings reported and 87 Ward Committee meetings held.

The Speaker further raised a concern that from January to June 2018, a total of 40 wards have not held nor reported on community engagements. In providing the above mentioned statistic, he deemed that to be poor reflection on the Municipality's public participation process as required to be championed by Councillors, in line with the provisions of the Code of Conduct for Councillors.

He announced the replacement of Councillor Graham by Councillor Sewsanker on the Ethics Committee with Councillor Brauteseth as an alternate.

Councillors were advised of the Salga Provincial Members Assembly to be convened from 16 to 17 August 2018 with 5 members, namely; Her Worship the Mayor, Deputy Mayor, Speaker, Chief Whip and City Manager that would attend at a cost of approximately R2 000,00 per member.

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

The following Councillors and Amakhosi were granted leave of absence as indicated:-

COUNCILLORS

Councillor S Brijmohan	: 2018-06-28 (To leave at 12h30 - Doc's Appointment)
Councillor TJT Cibane	: 2018-06-28 to 2018-06-30 (Indisposed)
Councillor HD Goge	: 2018-06-27 to 2018-07-02 (Indisposed)
Councillor PJC Graham	: 2018-06-27 to 2018-07-03 (Personal Commitments)
Councillor ZRT Gumede	: 2018-06-28 (Municipal Business)
Councillor RC Hlophe	: 2018-06-28 to 2018-06-29 (Indisposed)
Councillor NB Iyir	: 2018-06-28 (Overseas Trip)

Councillor SA Kaunda	:	2018-06-28 (To leave at 14h30 - Municipal Business)
Councillor ZW Khuzwayo	:	2018-06-28 (Arriving late at 12h00)
Councillor SNC Khwela	:	2018-06-21 to 2018-07-02 (Indisposed)
Councillor PP Luthuli	:	2018-06-28 (Personal Commitments)
Councillor SD Maphumulo	:	2018-06-27 to 2018-06-29 (Personal Commitments)
Councillor TP Mfusi	:	2018-06-18 to 2018-06-30 (Indisposed)
Councillor E Mngadi	:	2018-06-28 (Indisposed)
Councillor BA Mkhize	:	2018-06-27 to 2018-06-29 (Indisposed)
Councillor SM Mkhize	:	2018-06-28 to 2018-06-29 (Personal Commitments)
Councillor M Nair	:	2018-06-28 (Personal Commitments)
Councillor AS Ngcobo	:	2018-06-28 to 2018-06-29 (Personal Commitments)
Councillor BS Ngiba	:	2018-06-28 to 2018-06-29 (Personal Commitments)
Councillor M Nojiyeza	:	2018-06-28 to 2018-06-29 (Personal Commitments)
Councillor R Pillay	:	2018-06-28 (Personal Commitments)
Councillor BR Qhantsi	:	2018-06-28 (Indisposed)
Councillor S Ryley	:	2018-06-21 to 2018-06-29 (Personal Commitments)
Councillor WM Thring	:	2018-06-26 to 2018-06-29 (Personal Commitments)

AMAKHOSI

Inkosi BF Bhengu	:	2018-06-28
Inkosi VR Cele	:	2018-06-28 (Personal Commitments)
Inkosi TF Gwala	:	2018-06-28 (Personal Commitments)
Inkosi PP Luthuli	:	2018-06-28 (Personal Commitments)
Inkosi DZ Mkhize	:	2018-06-08 (Personal Commitments)

8. CONFIRMATION OF MINUTES: Meetings held on 2018-05-31 and In-Committee Meeting held on 2018-05-31

As some Councillors were not in support of confirming the Minutes of 2018-05-31 on the basis that such Minutes did not reflect adequate responses to some of the questions which had been submitted in terms of Rule of Order By-law 27, the matter was put to the vote. With 180 Councillors present 115 Councillors (ANC- 103, IND - 3, AIC – 3, MF – 1, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and 61 Councillors (DA – 53 and IFP – 8) voted against. 4 EFF Councillors abstained from voting.

Thereafter, it was

RESOLVED:

- 8.1 That, by the majority vote, the minutes of the meeting of the eThekweni Municipal Council held on 2018-05-31, as circulated and taken as read, be and they are hereby confirmed.
- 8.2 That the minutes of the In-Committee meeting of the eThekweni Municipal Council held on 2018-05-31, as circulated and taken as read, be and they are hereby confirmed.

9. QUESTIONS IN TERMS OF SECTION 27 OF THE RULES OF ORDER

The following Questions in terms of Section 27 of the Rules of Order were submitted:-

9.1 Questions submitted by Councillor MS Nkosi: Procurement of Non-stock Items (9/1/1):

Noting that eThekweni Municipality has paid two companies an amount close to R10 Million each per month for non-stock items.

Can you please explain the following:

1. **How these companies have been getting work from the municipality?**
2. **What is a non-stock?**
3. **Why is there so much frequency of non-stock item transactions?**
4. **Who is responsible for authorisation of an approval of the purchase of non-stock items?**
5. **Which unit is responsible for the procurement of non-stock item services?**

The City Manager provided the following respective responses:-

1. Section 5 of the Supply Chain Management (SCM) Policy is clear in terms of the sub delegations that related to the power to make final awards above R10 Million. In addition, Section 36(7) addresses the case of emergencies greater than R200 000 whereby prior authority must be sought via the Accounting Officer to deviate from the official processes and the Chairperson of the relevant Committee be notified of such an emergency situation.
2. Non-stock requisitions is where goods are procured that are not held in stock or a store per se for various reasons such as the nature of the commodity ie; asphalt, furniture and perishable goods.
3. It is demand driven according to end-user requirement, hence frequency of non-stock transactions would be high. This would depend on the nature of work e.g. road construction.
4. Non-stock requisitions are generated by line departments which are approved by the Accountant and Manager. SCM will approve the purchase order once the quotes have been received. There is a segregation between line (budget) and SCM (procurement) approvals.
5. SCM is responsible for procurement of stock and non-stock items, while services are procured at a budget owner/departmental level.

Lastly, with regard to the companies that have been mentioned we are not in a position to elaborate on the alleged awards as we have not been provided with any contact details.

(In the absence of Her Worship the Mayor, Councillor ZRT, the Deputy Mayor, Councillor F Peer presented the First Report of the Executive Committee).

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-06-12)

- PRESENT** : Executive Committee Members ZRT Gumede (Mayor and Chairperson), F Peer (Deputy Mayor), HU De Boer, BA Fortein, NL Graham, S Hoosen, SA Kaunda, MM Mthembu and MS Nkosi
- ABSENT** : Executive Committee Member ZR Sokhabase (On Leave-Municipal Business)

1. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE:
MEETING HELD ON 2018-05-09

(Page R1)

1.1 2018/2019 Workplace Skills Plan and 2017/2018 Annual Training Report (6/2/1):
(Page 51: Governance and Human Resources Committee - Agenda 2018-05-09)

At the Governance & Human Resources Committee meeting, the Head: eThekweni Municipal Academy (EMA) presented the 2018/2019 Workplace Skills Plan and 2017/2018 Annual Training Report and noted statistics in respect of the following:

- The total number of courses requested from each Cluster;
- The total number of employees who requested courses per gender; and
- The total number of employees who requested courses per race and group.

It was also noted that the Head : EMA was required to submit the 2018/2019 Workplace Skills Plan and 2017/2018 Annual Training Report to the Local Government Sector Education and Training Authority (LGSETA). The 2017/2018 Annual Training Report included the training implemented for short courses per gender and race, other programmes such as Outreach, Assisted Education and Adult Education Training (AET) and the overall training implemented for all programmes.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.1.1 That the report on 2018/2019 Workplace Skills Plan and 2017/2018 Annual Training Report as contained in the report of the Head : eThekweni Municipal Academy dated on 2018-04-12, for submission to the Local Government Sector Education and Training Authority (LGSETA) by no later than 2018-04-30, be noted.
- 1.1.2 That authority be granted to the Head: eThekweni Municipal Academy to submit the 2018/2019 Workplace Skills Plan and 2017/2018 Annual Training Report to the Local Government Sector Education and Training Authority (LGSETA) in order for eThekweni Municipality to receive the mandatory Grant from the LGSETA to implement WSP Programmes for 2018/2019.

ADOPTED.

2. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE
COMMITTEE: MEETING HELD ON 2018-06-05

(Page R2)

2.1 Proposed Alienation of Land in the Form of a Long Term Lease by Public Tender:
Portion 1 of Erf 351 Duikerfontein – 1154 Chris Hani Road, Avoca (17/2/1/1/2/5):
(Page 1: Human Settlements and Infrastructure Committee - Agenda 2018-06-05)

At the Human Settlements & Infrastructure Committee meeting the lease period was reduced to a maximum of (twenty) 20 years.

Being in concurrence,

COMMITTEE RECOMMENDS:

- 2.1.1 That the Municipality declares in terms of Regulation 34, read with Regulation 36 of the Municipal Asset Transfer Regulations:
- 2.1.1.1 That during the proposed lease property described as portion 1 of Erf 351, Duikerfontein – 1154 Chris Hani, Avoca is not required for providing the minimum level of basic Municipal services;
- 2.1.1.2 That a long term right being maximum of twenty (20) years, is proposed to be granted in respect of the Capital asset; and
- 2.1.1.3 That the recorded market value of the site is R2 000 000.00 (Two Million Rand), and that the upset rental will be R17 000.00 (Seventeen Thousand Rand) per month, exclusive of VAT as assessed on open market value.
- 2.1.2 That the property described as Portion 1 of Erf 351 Duikerfontein be alienated by public tender on a long term lease basis in accordance with the provisions of the Preferential Procurement Policy Framework which supports radical economic transformation framework and the Supply Chain Management Policy.
- 2.1.3 That in the event of the lease not being concluded within six (06) months from the date of determination of the value of the site, the Acting Head: Real Estate be authorized to review the rental in line with the current market value of the property in the event where there has been a change in the market value.
- 2.1.4 That subject to the adoption of .1 to .3 above and the approval of Bid Adjudication Committee, the Acting Head: Real Estate be authorized to sign all documents necessary to conclude the agreement.

Financial Implications:

There is no expected loss resulting from the lease of the vacant land. The municipality will gain from the rental payable by the successful tenderer as the land is to be leased at a market based rental of R17 000.00 (Seventeen Thousand Rand) exclusive of VAT. The market value of the land is currently assessed at a value of R2 000 000 .00 (Two Million Rand) exclusive of VAT as determined by a registered Valuer.

ADOPTED.

2.2 Construction of Retaining Wall in Woody Glen Phase 1 (22/7/1/1/3):
(Page 11: Human Settlements and Infrastructure Committee - Agenda 2018-06-05)

At the Human Settlements & Infrastructure Committee meeting Members queried the area where the construction of the retaining wall was to be undertaken and requested that an in-loco inspection of the site in question be undertaken in the first instance. Due to diverse views, the matter was thereafter put to a vote.

With 35 Councillors present, 21 Councillors (ANC - 20, IND - 1) voted in support of the recommendations and 14 Councillors (DA - 11, IFP - 2 and EFF - 1) abstained on the basis that an inspection in-loco needed to be undertaken in the first instance.

At the Executive Committee meeting, with the Democratic Alliance abstaining,

COMMITTEE RECOMMENDS:

- 2.2.1 That Council notes the following challenges being experienced on the Woody Glen, Phase 1 Housing Project which is in the current financial year business plan:
- 2.2.1.1 That the vertical embankments in close proximity to existing, new structures and embankment slope are prone to soil erosion and will be potentially unstable;
- 2.2.1.2 In view of .1 above, the Engineer has recommended a construction of dry stack interlocking walls for a majority of the sites and further recommended for gabion retaining structures for the vertical embankments; and
- 2.2.1.3 The Urban Settlement Development Grant (USDG) funding being requested will be utilized for the construction of retaining walls.
- 2.2.2 That Council authorises the funding by approving the utilisation of USDG funding for the construction of retaining walls for a hundred (100) top structures for an amount of R1 910 541.00 (One Million Nine Hundred and Ten Thousand Five Hundred and Forty One Rand) (R19 105.41 (Nineteen Thousand One Hundred and Five Rand and Forty One Cents) per site x 100 retaining walls).

Vote: 25300.23260.16; FC No. 80/016/11/2018

Financial Implications:

Total amount requested under the USDG is a total of R1 910 541.00 (One Million Nine Hundred and Ten Thousand Five Hundred and Forty One Rand) (R19 105.41 (Nineteen Thousand One Hundred and Five Rand and Forty One Cents) per site x100 retaining walls). This will assist in addressing current challenges and ensuring that these projects are completed without any delays, claims and disturbances. Further delays to complete these projects will result in contractors and professionals lodging request for escalated rates on building rates as years will go by without implementation.

ADOPTED.

2.3 Memorandum of Agreement: South African Shack Dwellers International Alliance (22/6/R):
(Page 15: Human Settlements and Infrastructure Committee - Agenda 2018-06-05)

At the Human Settlements & Infrastructure Meeting, with 35 Councillors present, 24 Councillors (ANC - 20, IFP - 2, EFF - 1 and IND - 1) voted in support of the recommendations and 11 DA Councillors abstained.

At the Executive Committee meeting, additional information was sought on the South African Shack Dwellers International Alliance and factors that constituted the formation of such an alliance with the Municipality.

A response was given that the Alliance comprised many Political organisations that had been dealing with shack dwellers over a period of 10 years, with the intention to now enter into a partnership and further align itself with the National Association of Shack Dwellers (NASS) programme. It was further confirmed that emanating from bilateral discussions, a Tripartite Agreement had been entered into for the purposes of ensuring that the interests of the Municipality would be protected and simultaneously expedite service delivery.

Thereafter,

COMMITTEE RECOMMENDS:

- 2.3.1 That authority be granted to Her Worship the Mayor to enter into a Memorandum of Agreement with the four (4) organisations of South African Shack Dwellers International Alliance (SASDI), namely uTshani Fund, Community Organisation Resource Centre (CORC), Federation of the Urban Poor (FEDUP) and Informal Settlements Network (ISN) aimed:
- 2.3.1.1 To provide a framework of Cooperation and facilitate cooperation between the Parties to ensure that all parties have access to expertise and agreed resources in areas of common interest based on their organization priorities and development plan;
- 2.3.1.2 The collaboration between the parties will be implemented with a focus on establishing lasting solutions and best practices on programs associated with Informal Settlements Upgrading with Shack Dwellers International (SDI) and eThekweni Municipality; and
- 2.3.1.3 The collaboration aims to promote grassroots to city learning abilities and visa-versa, strengthening the established opportunities within areas of influence, creating effective knowledge management, sharing and supporting the positive outcome for further application on other programs and projects.
- 2.3.2 That subject to adoption of .1 above, authority be granted to the City Manager to enter into an Implementation Protocol subject to approval by the Head; Legal and Compliance of eThekweni Municipality.

Financial Implications:

Financial implications of any joint initiatives will be outlined in Service Level Agreements (SLAs) to be developed in line with the MOA and IP, and subject to Council approval.

Project proposals emerging from the ongoing engagement between the parties must be compiled by the SASDI Alliance at least six (6) months before the planned implementation start date to enable all due processes including securing budget allocation and screening to be completed by the Municipality.

SASDI Alliance recognises that where funding is provided by the Municipality it will be subject to the requirements of the MFMA.

Some Councillors were not in support of the above recommendations of the Executive Committee on the basis that the Memorandum of Agreement lacked proper planning and transparency. The majority Councillors supported the matter as the view was the promotion of effective co-operation which will in turn translate to the provision of sustainable service delivery. The matter was then put to the vote. With 179 Councillors present 111 Councillors (ANC- 103, IND - 3, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 68 Councillors (DA – 52, IFP – 8, EFF – 4, AIC – 3 and MF – 1) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

- 2.4 Request for Approval Africa Newtown Housing Project: Relaxed Engineering Standards (22/7/1/1/3):
(Page 20: Human Settlements and Infrastructure Committee - Agenda 2018-06-05)

COMMITTEE RECOMMENDS:

- 2.4.1 That taking cognizance of the exceptionally steep topography and other challenges faced with individual site access, and the urgency to deliver houses and services to needy beneficiaries, and the desirable objective to provide services to those residents with existing substantial houses, and the support that has been given by the community and local political leadership, it is recommended that approval be given for the incorporation of only pedestrian access in the form of footpaths and staircases (within a 400m radius of existing roads that may function as public transport routes to residential sites) in the development of the Africa Newtown Housing Project.
- 2.4.2 That the Surveyor-General diagrams be endorsed to indicate which sites are to have pedestrian access in perpetuity, and title deeds for sites which are to retain pedestrian access in perpetuity shall have a title condition with the restriction for vehicular access.

ADOPTED.

- 2.5 Request for the Utilization of USDG Funding for the Construction of Site Accesses in Rural Projects within Western Region (7/4/2) and (22/7/1/1/3):
(Page L18 : Human Settlements and Infrastructure Committee - Agenda 2018-06-05)

COMMITTEE RECOMMENDS:

- 2.5.1 That Council notes the following challenges being experienced on the application for rural housing projects for KwaXimba Phase 1, eMaphephetheni Phase 1 and KwaNgcolosi Phase 1 which were approved by the Provincial Department of Human Settlements:

- 2.5.1.1 Due to the steep terrain, inaccessible for construction related activities, projects are experiencing severe delays owing to the tender budget and access roads and platforms that have to be constructed on hard rock materials;
- 2.5.1.2 A total of 233 top structures will have be constructed in this arduous terrain. Several meetings were held with Community, advising them on the challenges experience on these projects and were fully supports the project and the progress that is required to implement the completion of these contracts; and
- 2.5.1.3 In terms of the Engineer’s report, access roads have to be cut in order to get top structure materials onto the site. Further to this platforms are cut on hard rock materials, requiring the use of the mechanical breakers which will require the construction of TB 500 dry stack interlocking retaining structures.
- 2.5.2 That Council authorise the funding by approving the utilization of USDG funding for the construction of access roads for an amount of **R8 504 500.00** (Eight Million Five Hundred and Four Thousand Five Hundred Rand).

Financial Implications:

Total amount requested under the USDG is a total of **R8 504 500.00** (Eight Million Five Hundred and Four Thousand Five Hundred Rand) (**R36 500.00 (Thirty Six Thousand Five Hundred Rand) per site x 233 top-structures**). This will assist in addressing current challenges and ensuring that these projects are completed without any delays, claims and disturbances. Further delays to complete these projects will result in contractors and professionals lodging request for escalated rates on building rates as years will go by without implementation.

ADOPTED.

3. ACCOUNTING POLICIES IN TERMS OF SECTION 122 (3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT FOR THE YEAR ENDED 30 JUNE 2018 (7/1/P)

(Page 49)

Given that Section 122(3) of the Municipal Finance Management Act (MFMA) requires Municipalities and Municipal Entities to prepare financial statements in accordance with Generally Recognised Accounting Practice,

COMMITTEE RECOMMENDS:

That in order to ensure compliance with Section 122 (3) of the Municipal Finance Management Act and National Treasury guidelines, that require the Annual Financial Statements of the Council and its entities to be in accordance with the Standards of Generally Recognized Accounting Practice and Standards of Generally Accepted Municipal Accounting Practice, the Accounting Policies as reflected in Annexure “A” to the report of the City Manager dated 2018-05-07, be approved.

ADOPTED.

4. GENERAL VALUATION 2017: EXTENSION OF THE OBJECTION PROCESSING PERIOD (17/1/3)

(Page 76)

Notwithstanding the factors that had hampered the processing of objections, concerns were expressed by some Executive Committee Members in that only 52.5% of objections had been processed, an issue that could be attributed to the lack of capacity in the Valuations Department. As valuations were undertaken on an annual basis, factors such as poor planning, delay in issuing of rates clearance certificates, deficiencies in the system and loss of income to the City was highlighted.

Confirmation was given that 2% of objections on the total valuation indicated that residents had confidence in the process. It was advised that the Committee dealing with Valuation Appeals are appointed by the Honourable MEC of COGTA and meet almost bi-weekly. Given that the previous major appeal process had taken two years to finalise Council was confident that the current appeals would be finalized within a year. Due to staffing constraints an extension was required, however the Head: Real Estate has been requested to ensure that the necessary processes by COGTA were reviewed to ensure that appeals are dealt with timeously and ratepayers not inconvenienced.

On the issue of penalties assurance was given that the refund on incorrect valuations would be undertaken retrospectively and with interest. With regard to Rates Clearance Certificates it was noted that priority would be given to escalate the issuing process.

COMMITTEE RECOMMENDS:

That in terms of the Municipal Property Rates Act No 6 of 2004, whereby Municipalities are required to revalue properties on a quadrennial basis for rating purposes, and, in noting that the targeted date, 30 June 2018, for the process of adjudicating all objections would not be met for the reasons as outlined in the report of the Municipal Valuer dated 2018-05-21, the extension of the deadline for the objection completion date to 2018-11-30, be noted.

NOTED.

5. APPROVAL OF GUARANTEE OF A CASHFLOW SHORTFALL TO MUNICIPAL ENTITIES (2/10/1/1/7 & 7/1/3/1)

(Page 80)

COMMITTEE RECOMMENDS:

That taking cognizance of the Albert Luthuli International Convection Centre (Pty) Ltd and the Durban Marine Theme Park (SOC) Ltd operating on/or close to a break-even level, (excluding depreciation and finance charges for Durban Marine Theme Park (SOC) Ltd), the Council confirms its commitment to ensuring the future financial viability of the two aforesaid Entities and more specifically to meet any funding shortfalls that may compromise their ability to continue trading as a “going concern”.

ADOPTED.

6. LOW VOLUME GRAVEL ROAD UPGRADE PROGRAMME (LVGRUP):
APPROVAL OF GRAVEL ROADS FOR UPGRADING PURPOSES IN THE
2018/2019 FINANCIAL YEAR (25/4/2)

(Page 82)

COMMITTEE RECOMMENDS:

That confirmation having been received from Ward Councillors who had been consulted and are in agreement with the proposed work and funding in the amount of R80 Million being provided on the 2018/2019 Capital Budget for such purpose, the following gravel roads on the informal network be approved for upgrading purposes in the 2018/2019 financial year under the Low Volume Gravel Road Upgrade Programme as identified in the **Table 1** below.

SOUTH REGION					
ROADS PROVIDED FOR IMPLEMENTATION IN 2017/18 BUT NOT BUILT	M	ADDITIONAL ROADS PROPOSED TO BE BUILT IN 2018/19	M	ROADS PROPOSED FOR CONSTRUCTION IN 2018/19 AN CARRIED OVER TO 2019/20	M
211844 TRK – Ward 16	380	211672 – Ward 72	1000	50395 TRK – Ward 16	580
211845 TRK – Ward 16	270	84914 TRK – Ward 84	1400	50394 TRK – Ward 16	200
50396 TRK – Ward 16	430	50210/300217 – Ward 94	1000	DUBAZANE RD – Ward 17	260
GOBA ROAD – Ward 17	170	A611 – Ward 95	650	MBOVU PL – Ward 17	150
NTOBELA PL – Ward 17	183	300321 – Ward 105	1600	NOGWALA PL – Ward 17	180
NGCAMU PL – Ward 17	285	3004845 – Ward 105	700	MNTUNGWA – Ward 17	230
CELE PL – Ward 17	214			SBALIKHULU STR – Ward 17	250
HLANGANISA ROAD – Ward 72	770			83857 TRK – Ward 67	1000
83980 TRK – Ward 67	1342			50217 TRK – Ward 67	600
83919 TRK – Ward 93	336			50168 TRK – Ward 93	100
83939 TRK – Ward 93	173			83453 TRK – Ward 93	400
83826 TRK – Ward 96	806			84689 TRK – Ward 95	350
A672 – Ward 96	1105			83818 TRK – Ward 96	850
83533 TRK – Ward 98	1096			510308 – Ward 98	300
83537 TRK – Ward 98	540			83518 TRK – Ward 98	400
98065 TRK – Ward 99	790			83520 TRK – Ward 98	1100
83421 TRK – Ward 99	1000			98070 TRK – Ward 99	600
PHUMULA RD – Ward 99	595			83398 TRK – Ward 99	800
A425 – Ward 100	500			A409 – Ward 100	2000
A421 – Ward 100	1500			83797 TRK – Ward 109	400
83697 TRK – Ward 109	1826			510298 – Ward 109	200
MFEME ROAD – Ward 17	152			83804 TRK – Ward 109	850
TOTAL	14463		6350		11800
NORTH REGION					
86973 TRK – Ward 60	530	86980 TRK – Ward 60	553	83640 TRK	862
86986 TRK – Ward 60	530	300197 TRK – Ward 60	702	83410 TRK	223

86954 TRK – Ward 60	600	610334 TRK – Ward 60	703	108938 TRK	1350
86905 TRK – Ward 59	640	86911 TRK – Ward 59	2000	48614 TRK	1200
86939 TRK – Ward 59	500	86924 TRK – Ward 59	573	83401 TRK	875
86845 TRK – Ward 59	500	84068 TRK – Ward 44	1000	46804 TRK	820
57177 TRK – Ward 59	400			87193 TRK	1535
83882 TRK – Ward 44	750			69501 TRK	827
300151 DTR – Ward 44	600			MSENI AVENUE	1850
108880 TRK – Ward 56	900				
48586 TRK – Ward 56	450				
108787 TRK – Ward 56	600				
WEST REGION					
84993 TRK – Ward 2	281	83701 TRK – Ward 2	1100	93406 TRK – Ward 1	680
84994 TRK – Ward 2	360	A3737 – Ward 103	1300	93324 TRK – Ward 1	960
84367 TRK – Ward 2	420			93249 TRK – Ward 1	500
84335 TRK – Ward 2	700			93262 TRK – Ward 1	2500
83560 TRK – Ward 2	1000			86252 TRK – Ward 2	400
400273 STR – Ward 2	2950			83213 TRK – Ward 2	715
400278 STR – Ward 2	211			86264 TRK – Ward 2	300
400500 STR – Ward 4	500			86380 TRK – Ward 2	850
93442 TRK – Ward 4	315			83214 TRK – Ward 2	550
93440 TRK – Ward 4	147			86383 TRK – Ward 2	200
93444 TRK – Ward 4	500			86386 TRK – Ward 2	300
93445 TRK – Ward 4	400			86451 TRK – Ward 3	250
74014 TRK – Ward 7	1270			83674 TRK – Ward 2	500
74006 TRK – Ward 7	1100			86457 TRK – Ward 2	250
74007 TRK – Ward 7	290			64010 TRK – Ward 2	600
400527 STR – Ward 7	520			86428 TRK – Ward 2	650
68016 TRK – Ward 8	920			95039 TRK – Ward 4	330
86692 TRK – Ward 8	486			95045 TRK – Ward 4	570
68022 TRK – Ward 8	620			93125 TRK – Ward 4	703
86740 TRK – Ward 9	590			93124 TRK – Ward 4	1117
86747 TRK – Ward 9	780			74011 TRK – Ward 7	500
A532 – Ward 100	530			48112 TRK – Ward 7	250
88009 TRK – Ward 100	777			84941 TRK – Ward 8	550
86008 TRK – Ward 103	1520			86351 TRK – Ward 8	200
84950 TRK – Ward 103	500			86087 TRK – Ward 8	380
84949 TRK – Ward 103	520			83212 TRK – Ward 8	350
A3781 RD – Ward 103	700			86066 TRK – Ward 8	400
SHAYAMOYA – Ward 103	1200			99563 TRK – Ward 9	300
				68066 TRK – Ward 9	600
				A529 – Ward 100	900
				A3784 – Ward 103	1000

				A3774 – Ward 103	1000
				86203 STR – Ward 103	300
TOTAL	20107		2400		19655

Vote No.: P9931.55100.18000.12120.P9931.0010

FC No.: 48/C003

ADOPTED.

7. QUARTERLY AUDIT COMMITTEE REPORT FOR THE THIRD QUARTER ENDED 2018-03-31 (2/10/1/1)

(Page 92)

In presenting the Audit Committee report for the Third Quarter ended 31 March 2018 the Chairperson of the Audit Committee dispelled the notion that the report should be viewed as a negative finding as it merely highlighted issues that needed to be improved upon during that period of auditing.

She thereafter submitted the following:

- An agreement reached with Senior Management on their attendance at Audit Committee meetings whereby a designated Official should attend in the event of their unavailability.
- Rapid Economic Transformation and its implementation in terms of the policy was noted.
- An agreement reached with Internal Audit on the manner in which recommendations from audit findings would be addressed.
- The reduction of electricity and water losses were at a manageable level, however much needs to be undertaken in that regard.
- The process of Capital budget spend needed to be accelerated.
- Consequence management had been identified as a finding over the previous years and Management needs to produce a report giving assurance that the recommendations emanating from the findings of the Disciplinary Board and City Integrity & Investigations Unit would be executed.
- The issue of functional audit by Internal Audit whereby the scorecard was linked to the strategic objectives, Budget and SDBIP was commended.
- Management would need to be in sync with the new strategic process of Procurement plans and continue to improve contract management.
- Commend Council on the appointment a Chief Executive Officer and Chief Financial Officer as Executive Directors of the Durban International Conference Centre, a process undertaken in line with BEE statutory regulations.
- The issue of outstanding debt over 180 days had been discussed at length and somewhat reduced.
- The Health and Safety report did not include reporting on leave days taken by staff as a result of injuries.
- The DMTP was commended on the issue of prioritizing financial stability risk with mitigation action plans.
- Management had committed to ensure that the issue of employees with no employment contracts would be rectified.
- The Integrated Master Plan would need to indicate the Capital projects being planned for the organization.

Some members of the Executive Committee raised issues of concern on lack of accountability and consequence management and non-submission of action plans. Similarly Supply Chain Management was repeatedly being highlighted and service delivery withheld due to protests around the City. The issue of R75 Million VIP security being provided for Councillors without a case of intimidation being registered at SAPS and the R90 Million in overtime for Metro Police was highlighted. The report was viewed as being repetitive and unchanged, begging the question on the nature of internal controls being implemented by the City Manager.

In response a suggestion was made for the Executive Committee to receive quarterly reports in terms of the audit log that would highlight the issues raised by the Auditor General, Audit Committee and Internal Audit to enable the monitoring of their recommendations timeously. As much as many of the issues were work in progress it was agreed that consequence management would need to be fast tracked. However some assurance was given that the recruiting process at Metro Police in the next financial year would alleviate the staff shortage.

Further assurance was given that the reports submitted to the Municipal Public Accounts Committee were monitored, taking cognizance that all audit reports were submitted to the Auditor General, National and Provincial Governments, a process that enabled further oversight. The findings of the Auditor General are contained in a Management letter, hence there was transparency in the entire process.

In the circumstances,

COMMITTEE RECOMMENDS:

That the Audit Committee Report for the Third Quarter of 2017/2018 from January 2018 to March 2018, submitted in terms of Section 166 (2) of the Municipal Finance Management Act No. 56 of 2003, to advise Council on the activities of the Audit Committee and the results of its quarterly reviews of the systems of internal control; risk management; financial management; performance and financial reporting; organizational performance management and evaluation; internal audit function and outcomes; fraud and corruption matters brought to the attention of Council, be noted.

NOTED.

(In the absence of Her Worship the Mayor, Councillor ZRT, the Deputy Mayor, Councillor F Peer presented the Second Report of the Executive Committee).

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-06-19)

PRESENT : Executive Committee Members ZRT Gumede (Mayor and Chairperson), F Peer (Deputy Mayor), HU De Boer, BA Fortein, NL Graham, S Hoosen, SA Kaunda, MM Mthembu, MS Nkosi, ZR Sokhabase.

1. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD ON 2018-06-07

(Page R1)

1.1 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act No. 6 of 2008 Read in Conjunction with the Section 28 (4) of the Spatial Land Use Management Act No. 16 of 2013 for the Amendment of the Durban Scheme by Removing Condition 2(a) and 2(c) from Special Zone 97: O'Flaherty Road (21/7/1):
(Page 53: Economic Development and Planning Committee - Agenda 2018-06-07)

Members of the Democratic Alliance voted against this matter at both the Economic Development & Planning Committee and the Executive Committee on the basis that they are not in support of the conditions posed on this application. The majority members supported the matter as they were satisfied that the necessary processes had been complied with.

COMMITTEE RECOMMENDS:

That in terms of Chapter 2, Section 13(1) (a) of the KwaZulu-Natal Planning & Development Act No. 6 of 2008, read in conjunction with Section 28(4) of the Spatial Land Use Management Act No. 16 of 2013, the application for the proposed amendment to the Special Zone 97: O'Flaherty Road by removing the following Clauses:

Clause 2 (a): *“The total floor area of all buildings shall not be greater than 600m² as calculated in accordance with clause 23(7).”*

Clause 2 (c): *“No portion of any building shall exceed a height of 34m above mean sea level”.*

be approved for the following reasons:

- (i) The current Special Zone 97: O'Flaherty Road limits any development within this zone to a maximum Floor Area Ratio of 600 m² and a height of 34m above mean sea level. These controls are deemed outdated and inappropriate if the City is to promote Sustainable Development Goals such as development within well-serviced areas from an infrastructural perspective as well as spatially.

- (ii) The proposal intends to provide a commercial component, office component and additional housing opportunities within a centrally located area which conforms to the efficient utilisation of these existing services through infill and compaction which meets the Cities vision of promoting compact Cities and reducing urban sprawl.
- (iii) The Clare Hills, Overport, Palmiet and Reservoir Hills areas need re-vitalisation and this application has managed to put together a substantial parcel of land and therefore the proposed Scheme Amendment will facilitate the optimum development potential for the site.

The amended Special Zone 97: O'Flaherty Road will in future read as follows:

Special Zone No. 97: O' Flaherty Road

Special Zone No.97: O' Flaherty Road shall apply to the properties described as Portions 2 and 3 of Erf 4261 Reservoir Hills.

- (i) Buildings erected within this zone shall not be used for any purposes other than a shopping centre which may include offices and/or medical suites on the ground floor and residential dwelling units on the upper floors.
- (ii) The regulations applicable to a General Shopping Zone, except as modified to the extent indicated hereunder, shall apply in this zone:-
 - (a) On-site parking shall be provided for the residential development at a ratio of at least one parking bay per dwelling unit and for the shopping/office development at a ratio of six parking bays per 100m² of gross floor area to the satisfaction of the Deputy City Manager: Development and Planning.
- (iii) A right turn refuge lane for northbound traffic shall be provided on O'Flaherty Road to the satisfaction of the Head: EThekweni Transport Authority. The total cost of providing the refuge lane shall be borne by the developer of this Special Zone.

Some Councillors were not in support of the above recommendations of the Executive Committee on the basis of unacceptable conditions of the application. The majority of the Councillors were satisfied that the necessary processes have been complied with. The matter was then put to the vote. With 182 Councillors present 121 Councillors (ANC- 105, IFP – 8, IND - 3, DLC - 1, TA- 1, MOSA - 1, APC - 1 and AL JAMA-AH - 1) voted in favour and 53 DA Councillors voted against. 8 Councillors (EFF – 5 and AIC – 3) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

- 1.2 Application in Terms of Section 13(1)(a) of the KwaZulu-Natal Planning and Development No.6 of 2008 Read in Conjunction with Section 28 (4) of the Spatial Land Use Management Act No.16 of 2013 for the Amendment of the Inner West Scheme by Reducing the Minimum Erf Size in the General Residential Zone From 3000m² to 18000m² in the Westville Suburb (21/5/1):
(Page 62: Economic Development and Planning Committee - Agenda 2018-06-07)

COMMITTEE RECOMMENDS:

- 1.2.1 That in terms of Chapter 2, Section 13(1) (a) of the KwaZulu-Natal Planning and Development Act No.6 of 2008, read in conjunction with Section 28(4) of the Spatial Planning and Land Use Management Act No. 16 of 2013) the application for the amendment of the Inner West Scheme to reduce the minimum Erf size within the General Residential Zone (Westville) from 3000m² to 1800m² be approved for the following reasons:
- (i) The proposed amendment of the Inner West Scheme General Residential Zone to reduce the minimum Erf size to 1800m² to allow for high density developments in the Westville area will bring the Inner West Scheme in line with other schemes within the eThekweni Municipality.
 - (ii) The proposal is a densification initiative intended to provide additional housing opportunities within a centrally located area and where water, roads, sanitation and electricity infrastructure are well established.
 - (iii) The proposal conforms to the efficient utilisation of these existing services through infill and compaction which meets the Cities vision of promoting compact Cities and reducing urban sprawl.
 - (iv) The Westville area is characterised by large plots which are ideal for multiple units and has been identified for increased densification as per the Municipalities adopted Central Spatial Development Plan.

ADOPTED.

- 1.3 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development No. 6 of 2008 Read in Conjunction with the Section 28 (4) of the Spatial Land Use Management Act No. 16 of 2013 for the Amendment of the North Scheme: Section 7, Development Facilitation Table : Institution Zone by the Addition of a Point Five Under the Additional Controls to Allow for the Reduction of Floor Area Ratio (FAR), Coverage and Parking on Portion 1 of Erf 2343: Umhlanga Rocks (Gateway) (21/5/1):
(Page 70: Economic Development and Planning Committee - Agenda 2018-06-07)

COMMITTEE RECOMMENDS:

- 1.3.1 That in terms of Chapter 2, Section 13(1)(a) of the KwaZulu-Natal Planning and Development Act No. 6 of 2008, read in conjunction with Section 28 (4) of the Spatial Planning and Land Use Management Act No. 16 of 2013 the application for the amendment of the North Scheme Umhlanga District by the amendment of Section 7: Development Facilitation Table, Institution Zone by addition of a Point 5 under the Additional Controls to allow for a reduction of Floor Area Ratio (FAR) from 0.5 to 0.4, coverage from 50% to 30% and a parking ratio of 0.72 bays per bed on Portion 1 of Erf 2343 Umhlanga Rocks, situated at 6 Chestnut Crescent be approved for the following reasons:

- (i) The application is in keeping with the parking requirements of similar facilities in other locations in South Africa (i.e. Akeso Kenilworth House in George, Akeso Adolescent Facility in Cape Town, City of Tshwane and in Pretoria).
- (ii) The Traffic Impact Statement contained in the report by the Specialist Traffic Consultant (ARUP) indicates that the current parking provisions at the facility are under-utilised and therefore the proposed scheme amendment by reducing parking on the application site will have minimal traffic impacts on the surrounding road network.
- (iii) The existing Institution on site, being a psychiatric clinic, offers a specialised medical service in the broader area and the proposed expansion is in response to the needs of the broader community. The amendment of the North Scheme to accommodate this expansion is pro-active and recognises that a range of land uses are needed in the urban fabric in order to promote integrated planning.

1.3.2 That the amendment of the North Scheme by the amendment of Section 7: Development Facilitation Table: Institution Zone is to incorporated into the North Scheme be as follows:

ZONE: INSTITUTION			
<p>SCHEME INTENTION: To provide, preserve, use land or buildings for: Institutions such as hospitals, nursing homes, sanatorium, clinic, convalescent home, orphanage, retirement centre, or other buildings used as a public or private institution except those included in Restricted Building.</p> <p>MAP REFERENCE: NS / 05 / 2012</p> <p style="text-align: right;">COLOUR NOTATION: Orange cross-hatch</p>			
PRIMARY	SPECIAL CONSENT	PRECLUDED	
<ul style="list-style-type: none"> • Dwelling House* • Institution* • Office – Medical • Private Open Space • Public Open Space • Retirement Centre 	<ul style="list-style-type: none"> • BTTS* • Cemetery / Crematorium • Crèche • Educational Establishment • Government / Municipal • Place of Public of Worship • Reform School • Special Building 	<ul style="list-style-type: none"> • Action Sports Bar • Adult Premises • Agricultural Activity • Agricultural Land • Airport • Arts and Crafts Workshop • Betting Depot • Boarding House • Builder's Yard • Car Wash • Chalet Development • Container Depot • Convention Centre • Correctional Facility • Direct Access Service Centre • Display Area • Escort Agency • Flat • Flea Market • Fuelling and Service Station • Funeral Parlour • Garden Nursery • Health & Beauty Clinic • Health Studio • Hotel • Industry - Extractive • Industry – General • Industry – Light • Industry – Noxious 	<ul style="list-style-type: none"> • Landfill • Laundry • Mobile Home Park & Camping Ground • Mortuary • Motor Garage • Motor Display Area • Motor Vehicle Test Centre • Motor Workshop • Multiple Unit Development • Museum • Nature Reserve • Night Club • Office • Parkade • Pet Grooming Parlour • Place of Public Entertainment • Recycling Centre • Refuse Disposal • Restaurant / Fast Food Outlet • Restricted Building • Riding Stables • Scrap Yard • Shop • Transport Depot • Truck Stop • Veterinary Clinic • Warehouse • Zoological Garden

ADDITIONAL CONTROLS						
1. All landscaping to the satisfaction of the Municipality. 2. BTTS shall mean Base Telecommunications Transmission Station. 3. A Dwelling House may be permitted to accommodate a caretaker, manager, or security personnel. 4. Where an erf is developed for a Hospital or Clinic specifically Height maybe increased to 6 storeys by Special Consent. 5. Portion 1 of Erf 2343 Umhlanga Rocks: Floor Area Ratio 0.4, Coverage 30% and parking 0.72 bays/ bed						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE	SIDE & REAR SPACE					
7.5 m	4.5 m	Not Applicable	4 000 m ²	3*	50 %	0.5

ADOPTED.

- 1.4 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act No. 6 of 2008 Read in Conjunction with Section 28 (4) of the Spatial Land Use Management Act No. 16 of 2013 for the Amendment of the Durban Scheme: Special Zone 39 (21/5/1):
(Page 83: Economic Development and Planning Committee - Agenda 2018-06-07)

COMMITTEE RECOMMENDS:

- 1.4.1 That in terms of Chapter 2, Section 13(1) (a) of the KwaZulu-Natal Planning & Development Act No. 6 of 2008, read in conjunction with Section 28 (4) of the Spatial Planning and Land Use Management Act No. 16 of 2013, the application for the amendment of the Durban Scheme by amending condition (d) of Special Zone 39: Office Zone be approved for the following reason:
- (i) The amendment of Clause (d) in Special Zone 39: Office Zone to permit advertising will optimise the development potential and usage of the subject properties without changing the intention for the zone or development controls.

The wording for the Special Zone 9: Office Zone shall state:

“No external advertising other than the name of the building shall be permitted other than in the case of Portion 5 and Portion 7 of the Farm Riding No. 15152 where signage shall be permitted on the west boundary directly adjoining the N2 Freeway subject to approval from the eThekweni Signage Department together with SANRAL.”

ADOPTED.

- 1.5 Invest Durban (20/1/7/1):
(Page 89: Economic Development and Planning Committee - Agenda 2018-06-07)

At the Economic Development and Planning Committee meeting, it was noted that the purpose of the report was to seek approval to enter into a Memorandum of Understanding with Trade and Investment KwaZulu-Natal to partner in investment facilitation destined for the eThekweni Municipal region.

With the Executive Committee being in support therewith,

COMMITTEE RECOMMENDS:

- 1.5.1 That Council approves partnership between Trade and Investment KwaZulu-Natal and eThekweni Municipality for investment facilitation destined for the eThekweni Municipal region.
- 1.5.2 That the City Manager be authorized to sign a Memorandum of Understanding to formalize the partnership referred to in .1 above.
- 1.5.3 That the Head: Legal and Compliance Services be mandated to vet the Memorandum of Understating.

ADOPTED.

- 1.6 Catalytic Project – King Edward Residential & Urban Renewal Precinct (Erf 8449 of Durban (20/1/5/3):
(Page 97: Economic Development and Planning Committee - Agenda 2018-06-07)

At the Economic Development and Planning Committee meeting, it was advised that approval is being sought for the alienation of Erf 8449 of Durban to develop a mixed-use Transit Oriented Development consisting of a portion to be sold for development of bonded housing and another portion to be leased for the purpose of developing Social Housing, Student Accommodation and Commercial (Office and Retail) development.

Members of the Democratic Alliance voted against this matter at the Economic Development & Planning Committee on the basis that there was insufficient information on the report and that the development was not on the list of Catalytic Projects. At the Executive Committee meeting members of the aforementioned Party abstained on the matter, citing lack of consultation with relevant stakeholders.

With the Executive Committee being in support therewith,

COMMITTEE RECOMMENDS:

- 1.6.1 That the eThekweni Municipality declares in terms of Section 14(2) of the Municipal Finance Management Act that:
- 1.6.1.1 Erf 8449 of Durban, as reflected on Hand Plan SJ 4749/4, is not required to provide the minimum level of basic Municipal services.
- 1.6.1.2 Clearance has been received from the Human Settlements Department that the proposed development support housing densification.

- 1.6.1.3 In terms of Section 40(2)(b)(i) of the Supply Chain Management Policy read together with Regulation 7 of the Municipal Assets Transfer Regulations, the property described as Erf 8449 of Durban, be Alienated by public tender in Freehold for a portion of bonded housing.
- 1.6.1.4 In terms of Sections 34, 35 and 36 of the Asset Transfer Regulations, the portion of the property described as Erf 8449 of Durban, be alienated by public tender in Leasehold for the development of Commercial (Office and Retail), Social Housing and Student Village accommodation.
- 1.6.2 That subject to the adoption of .1 above and the approval of the Bid Adjudication Committee, the Head: Real Estate be authorized to sign all documents necessary to conclude the Commercial Leasehold Agreement.
- 1.6.3 That subject to the adoption of .1 and .2 above and approval of the Bid Adjudication Committee, the Head: Human Settlements be authorized to sign all documents necessary to conclude the Social Housing and Student Accommodation Leasehold.

Some Councillors were not in support of the above recommendations of the Executive Committee due to lack of clarity provided to questions raised and concerns related to the surrounding community as the plot fell outside of the designated precinct area. With the majority Councillors supporting the service delivery initiatives, the matter was put to the vote. With 182 Councillors present 126 Councillors (ANC- 105, IFP – 8, EFF – 5, IND - 3, DLC - 1, TA- 1, MOSA - 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 56 Councillors (DA – 53 and AIC – 3) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

- 1.7 Durban Green Corridors Programme Funding (20/1/4/1):
(Page 100: Economic Development and Planning Committee - Agenda 2018-06-07)

COMMITTEE RECOMMENDS:

- 1.7.1 That Council continues to support the programme in terms of the Memorandum of Agreement with the Green Corridors NPC for the period from July 2016 to June 2019.
- 1.7.2 That subject to .1 above, the Head: Economic Development and Investment Promotion be authorized to transfer R5 000 000.00 (Five Million Rand), excluding VAT to Green Corridors NPC for the ongoing operation of the Durban Green Corridors Programme in terms of Section 67 of the Municipal Finance Management Act and the Memorandum of Agreement between eThekweni Municipality and Green Corridors NPC.
- 1.7.3 That subject to .1 above, the Head: EThekweni Transport Authority be authorized to transfer R14 566 409.00.00 (Fourteen Million Five Hundred and Sixty Six Thousand Four Hundred and Nine Rand) excluding VAT to the Green Corridors NPC for the ongoing implementation of the Go Durban Active Mobility, Cycle Academy and Bridge City Open Spaces Programmes in terms of Section 67 of the Municipal Finance Management Act and the Memorandum of Agreement between eThekweni Municipality and the Corridors NPC.

- 1.7.4 That subject .1 above, the Head: Engineering Services be authorized to transfer R350 000.00 (Three Hundred and Fifty Thousand Rand) excluding VAT to the Green Corridors NPC for the procurement of pyrolysis machine for the implementation of the plastics pollution control project in terms of Section 67 of the Municipal Finance Management Act and the Memorandum of Agreement between eThekweni Municipality and the Green Corridors NPC.

Vote No.: 26102.25195.12120.0000.49210.0010;	R 2 500 000.00	FC No.: 25/28
Vote No.: 26102.25195.12120.0000.85300.0010;	R 2 500 000.00	FC No.: 25/28
Vote No.: 50120.25195.81090.0000.58000.0010;	R14 566 409.00	FC No.: 50/042
Vote No.: 26102.25195.12120.0000.85300.0010;	R 350 000.00	FC No.: 48/0738

ADOPTED.

- 1.8 Application for Incentives in Terms of the Economic Development Incentive Policy and eThekweni Rate Policy (20/1/P):
(Page 115: Economic Development and Planning Committee - Agenda 2018-06-07)

At the Economic Development and Planning Committee meeting it was noted that the purpose of the report was to seek approval for the award of incentives to applicants in terms of the Economic Development Incentive Policy. Upon request at the Executive Committee, it was noted that detailed information on the incentive programme, including policy implementation will be provided at the Support Committee level.

COMMITTEE RECOMMENDS:

- 1.8.1 That Council approves the award of incentives in terms of the Economic Development Incentive Policy, for the period of the construction of the development, for the applications as presented below in 4.2 of the report of the City Manager dated 2018-05-24:

“4.2 The Policy offers financial incentives in the form of a rebate on property rates on the following two categories of developments:

- 4.2.1 **Greenfield Developments:** In Greenfield Investment, the vacant land may receive a rebate on the difference in rate rebate of the intended use of the land (Clause Rates Policy 2016/17 & 2017/18). The value of financial rebate is directed by the City’s Treasury Cluster. Values are determined by Council Notice s14 as approved each financial year.

This means that the rebate is calculated as the difference between the vacant land rates and the rates for the proposed use, (the former being higher than the latter) during the period of construction

The following Applicants qualify for incentive in this category (Evaluation reports are attached as Annexure of the report of the City Manager dated 2018-05-24:

- 4.2.1.1 Nedport Developments (Pty) Ltd.

- 4.2.2 **Brownfields Developments:** Rates rebates for Brownfield developments are calculated according to the value of investment, based on the following values contained within the Rates Policy (Council Notice s14):

VALUE OF DEVELOPMENT R (MILLIONS)	REBATE ON TAX PAYABLE IN PERCENTAGE
R0M - R50M	15%
R51M - R150M	25%
R151M - R300M	50%
R301M	65%

Source: Council Notice s14

Brownfields Developments

- 4.2.2.1 J.T Ross Properties (Pty) Ltd.
- 4.2.2.2 Macsteel Trading (Pty) Ltd.
- 4.2.2.3 Zahil Investments (Pty) Ltd.
- 4.2.2.4 Metboard (Pty) Ltd.
- 4.2.2.5 Kambanji EPG (Pty) Ltd.”

- 1.8.2 That authority be granted to the City Manager to enter into a Memorandum of Agreements with each of the approved applications.
- 1.8.3 That the Head: Revenue Management undertakes the necessary administration in order to implement the rebate for each application as listed.
- 1.8.4 That the Head: Economic Development and Investment Promotion reports back to Council annually on the broader economic impact of the incentive offered.

ADOPTED.

- 1.9 EThekweni Municipality’s Film By-Law (20/2/R):
(Page 134: Economic Development and Planning Committee - Agenda 2018-06-07)

COMMITTEE RECOMMENDS:

- 1.9.1 That the eThekweni Municipality Film By-law 2018 be approved for the final publication and promulgation in Ezasegagasini Metro and the Provincial Gazette.
- 1.9.2 That the By-law take effect six (6) months from the date of publication thereof or on such earlier date as may be determined by the publication of a commencement notice in the Provincial Gazette.

ADOPTED.

- 1.10 Request for the Renewal of Term of Office of the Durban Marine Theme Park Board Members (4/3/2):
(Page L14: Economic Development and Planning Committee - Agenda 2018-06-07)

At the Economic Development and Planning Committee meeting, it was advised that the purpose of the report was to provide an update report regarding the expiry of the first term of office of some of the Board Members of the Durban Marine Theme Park and to further seek approval to re-appoint the Board Members concerned to a second term of office.

Members of the Inkatha Freedom Party and the Democratic Alliance abstained on this matter at the Economic Development & Planning Committee level on the basis that they had not been given sufficient time to peruse the report.

At the Executive Committee meeting, Members of the Democratic Alliance also abstained on this matter.

With the majority members being in support,

COMMITTEE RECOMMENDS:

- 1.10.1 That Council notes the expiry of term of office of four (04) Durban Marine Theme Park Board of Directors, namely, Mesdames Patricia Seeng Lebenya and Gabisile Gumbi-Masilela, expiring in September 2018; and Messrs Sadha Naidoo and Zakhele Gumede expiring in January 2019.
- 1.10.2 That Council approves the renewal of the term of office of the four members referred to in .1 above to serve on the Durban Marine Theme Park Board for another three (03) years with effect from the expiry of their respective term of office as indicated.

As some Councillors were not in support of the above recommendations of the Executive Committee on the basis that they were given insufficient time to peruse the report, the matter was put to the vote. With 177 Councillors present 123 Councillors (ANC- 102, IFP – 7, EFF – 6, IND - 3, DLC - 1, TA- 1, MOSA - 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 54 Councillors (DA – 52 and AIC – 2) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

- 1.11 Request for Authority to Renew Term of Office of Some of the Board Members of Inkosi Albert Luthuli International Convention Centre and for the Filling of Vacant Positions in this Board (4/3/2):
(Page L15: Economic Development and Planning Committee - Agenda 2018-06-07)

At the Economic Development and Planning Committee meeting it was advised that the purpose of the report was to provide an update regarding the expiry of the first term of office of some of the Board members of the Inkosi Albert Luthuli International Convention Centre (ICC).

Also, to seek approval from Council to renew the term of office of one of the Board members concerned and not to renew the term of office of the two (02) male Directors whose term of office expires in September 2018 for them to be replaced with female candidates in line with the ICC vision to achieve equity.

Members of the IFP and the DA abstained on this matter at the Economic Development and Planning Committee on the basis that they had not been given sufficient time to peruse the report. At the Executive Committee meeting, Members of the DA also abstained on the matter.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.11.1 That Council notes the expiry of the term of office of the three (03) Directors at Inkosi Albert Luthuli International Convention Centre (ICC), namely, Ms Naledi Makelo and Messrs Mike Jackson; and Zwile Zulu in September 2018.
- 1.11.2 That Council approves the renewal of the term of office of Ms Naledi Makelo for three (03) years with effect from the expiry of her current term of office.
- 1.11.3 That Council approves the non-renewal of the term of office of Messrs Mike Jackson and Zwile Zulu for their vacancies to be filled with female candidates with competencies of Information Technology and Finance thereby achieving equity in the ICC Board which is currently predominantly male dominated.
- 1.11.4 That authority be granted to advertise the vacancies of the two (2) Board Members whose terms of office will not be renewed due to a preferential focus on females.

As some Councillors were not in support of the above recommendations of the Executive Committee as they were not given sufficient time to peruse the report, the matter was put to the vote. With 181 Councillors present 119 Councillors (ANC- 103, IFP – 8, IND - 3, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 62 Councillors (DA – 53, EFF - 6 and AIC – 3) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

- 1.12 Request to Approve Transfer of Additional Funds in Terms of Section 67 of the Municipal Finance Management Act for the “Wetlands Rehabilitation for Climate Change Adaptation Programme” (32/2/1/1/1):
(Page L19: Economic Development and Planning Committee - Agenda 2018-06-07)

At the Economic Development and Planning Committee meeting it was noted that the purpose of the report was to seek additional authority to disburse additional funds and to allow for the continuation of the alien removal and target planting of indigenous wetland plants by people employed from the nearby Quarry Heights Settlement until a Community Social Investment Program is registered. This will allow the project to access private funding for the continuation of this work and the employment of local labour.

With the Executive Committee being in support therewith,

COMMITTEE RECOMMENDS:

That the Head: Engineering be duly authorized to disburse additional Municipal funds to the value of R300 000.00 (Three Hundred Thousand Rand) to the Riverhorse Valley Business Estate Management Association in terms of Section 67 of the Municipal Finance Management Act and in accordance with the Memorandum of Agreement for wetlands rehabilitation for Climate Change Adaptation Programme.

Vote No.: 46400.11560.12120.0000.98686.0010
F.C No.: 46/028

R300 000.00 2017/18

ADOPTED.

2. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE:
MEETING HELD ON 2018-06-13

(Page R10)

2.1 Progress Report on Ward Committee Functionality (3/6/5):
(Page 70: Governance and Human Resources Committee - Agenda 2018-06-13)

Progress report on the functionality of Ward Committees was appreciated, in particular, the planned interventions to improve the Ward Committee operations. It was noted that the primary intention was to strive to make all Ward Committees functional when assessed in terms of the standard used by the Department of Co-operative Governance and Traditional Affairs (COGTA). Therefore, concerted efforts were required for all stakeholders involved to play their role effectively. The key stakeholders being Ward Councillors who should convene community meetings since this aspect forms part of the assessment standard for Ward Committees as per the functionality tool used by COGTA; Ward Committee Secretaries to ensure minutes and attendance registers are submitted to the City Administration Unit; and with the latter to provide support to the Ward Committee Secretaries and the Portfolio Committee Chairpersons in the form of training and ongoing administrative support.

The City Administration Unit was therefore requested to implement interventions without delay for Council to see noticeable progress in the Ward Committee operations. Whilst the report was appreciated by the majority of the Committee members at the Governance and Human Resources Committee, members of the Democratic Alliance submitted that they are not noting the report in question.

Accordingly

COMMITTEE RECOMMENDS:

- 2.1.1 That the progress report on the functioning of Ward Committees which reveals that satisfactory results have not yet been achieved since according to the Department of Co-operative Governance and Traditional Affairs Functionality Tool as only forty nine (49) Ward Committees were declared functional as at 2018-03-31 whilst eThekweni Municipality has one hundred and ten (110) Ward Committees, be noted.
- 2.1.2 That the interventions to be made by the City Administration Unit in a bid to identify areas for improvements and devise mechanisms to improve operational efficiency in the functioning of Ward Committees, which include the training of Ward Committee Secretaries; training of Portfolio Committees; conducting workshop for Ward Councillors; conducting visits for all Ward Committees; and also conducting internal roadshows for the role of Ward Committees to be understood Municipal-wide and their matters to be prioritised for actioning, be noted.

Some Councillors were not in support of the above recommendations of the Executive Committee as they were not in favour of the manner in which Municipal Funds were being utilised. The majority of Councillors acknowledged the interventions to be implemented to improve the operation of Ward Committees. The matter was then put to the vote. With 171 Councillors present 111 Councillors (ANC- 96, IFP – 8, IND - 2, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors

voted against. 60 Councillors (DA – 50, EFF – 6, IND-1 and AIC – 3) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

2.2 Proposed Meeting Documents Automation Process (2/6/6 and 3/4/7):
(Page 75: Governance and Human Resources Committee - Agenda 2018-06-13)

A proposal by the City Administration Unit to automate meetings documents as part of digitally transforming the Council decision-making process was received with much appreciation with it being noted that it would align with best governance and environmental management practices and achieve operational efficiency and cost-effectiveness.

The benefits associated with the automation process was noted including, amongst other things, increased efficiency in terms of accurate and timeous receipt of meeting documents and thereby addressing the aspect of the non-delivery of meeting documents to certain destinations at some point; ability to work in an electronic document and make notes like it is normally done in a hard copy; reduction in printing and delivery costs; and compliance with electronic records management system.

Most importantly, the automation project will be piloted using the Council's Administrative Committees, which are the Audit & Risk Committee and the Bid Committees. Thereafter, the project will be rolled out to other Council Committees on a phase by phase basis. During the consideration of this matter, a request was made to consider the Executive Committee for a pilot project during the Council-wide rollout. The project roll out will also include training of users to ensure it is implemented successfully and benefit the users.

With regard to the costs involved, the Committee noted that the budget provision for printing and delivery will be translated into automation costs. Thereafter, the proposed automation process was unanimously supported, mention being made that apparently eThekweni Municipality lags behind its counterparts in this regard, hence, the importance of achieving competitiveness.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.2.1 That the initiative by the City Administration Unit to facilitate the digital transformation of the Council decision-making process by introducing an automated solution thereby aligning with best practice; improving operational efficiency; achieving compliance with governance and environmental management practices; and achieving cost-effectiveness, be noted.
- 2.2.2 That a proposal to utilize the Council's Administrative Committees, namely, the Audit and Risk Committee and the Bid Committees for a pilot project for the implementation of the automated solution prior to rolling it out Municipal-wide on a phase by phase basis, be noted.

2.2.3 That, it be noted that the total budget provision of R4 000 000.00 (Four Million Rand) for printing and delivery available in the 2018/2019 financial year will be translated into the automation project each time a particular Committee is involved in the project.

BU MSCOA Item	Fund	Costing	Project	Region
32141.27999.7090	99000	7090	PD001	0010
32142.27999.7090	99000	7090	PD001	0010
32123.17600	12120	0000	MRC01	0010

ADOPTED.

2.3 Provision of Councillor Toolkit to Enable Councillors to Communicate Service Delivery (3/R):

(Page 93: Governance and Human Resources Committee - Agenda 2018-06-13)

The Communications Unit presented a Communication Toolkit which is aimed at enabling Councillors to plan and convene constructive community meetings. It was noted that the toolkit will include branded box containing service delivery material; banner to professionalise a meeting by displaying the Municipal logo and Ward Councillor details; branded table cloth; promotional items to inform the public about the service delivery Units; meeting invitation and attendance register; service delivery posters; and public announcements form used for announcements such as water and electricity disruptions in the area.

It was clarified that the production of a toolkit will be undertaken in phases, with Phase 1 to include Ward Councillors and Phase 2 to include PR Councillors. It was also confirmed that internal resources will be used to produce the toolkit. The toolkit program was to be managed in consultation with the Office of the Speaker and the leadership of the Governance and Human Resources Committee to ensure Councillors were accommodated appropriately for toolkit distribution.

With 30 Councillors present at the Governance and Human Resources Committee, 17 Councillors (ANC – 16 and Independent - 1) voted in support of the recommendations and 13 Councillors (DA – 9, EFF – 2, IFP - 1 and AIC – 1) were not in support of the recommendations due to the fact that the financial implications were not reflected and were of the view that PR Councillors should also be prioritised in the program.

With the Executive Committee being in support of the toolkit,

COMMITTEE RECOMMENDS:

2.3.1 That the initiative by the Communications Unit to source the Councillor Communication Toolkit in the form of branded box for service delivery material; banner; branded table cloth; promotional material; meeting invitation and attendance register; posters; and public announcement form for use to report service delivery interruptions, be approved.

2.3.2 That the distribution of Communication Toolkit referred to in .1 above be managed in consultation with the Office of the Speaker and the Leadership of the Governance & Human Resources Committee to ensure Councillors are accommodated appropriately and are empowered on the effective use of the Toolkit.

2.3.3 That the Acting Head: Communications provides financial implications for inclusion in the report to be considered by the Executive Committee.

Financial Implications:

Phase 1: Ward Councillors Toolkit: R272 850.00

Phase 2: PR Councillors Toolkit: R267 765.00

BU	ITEM.SUB	FUND	COSTING	PROJECT	REGION
32240	16325	12120	0000	MRC01	0010

ADOPTED.

2.4 EThekweni Municipality Recognition and Rewards Policy (4/6/P):
(Page 119: Governance and Human Resources Committee - Agenda 2018-06-13)

COMMITTEE RECOMMENDS:

2.4.1 That the eThekweni Municipality Recognition and Rewards Policy aimed at recognising individuals and/or team efforts, creativity or special achievements that significantly exceed expectations, be approved, for the Municipality to improve staff morale and productivity; and it being recorded that the policy will be reviewed every three (03) years.

2.4.2 That authority be granted to the City Manager to establish a Municipal-wide Recognition and Rewards Steering Committee, with its membership to comprise Senior Management from all eThekweni Municipal Clusters and the Deputy City Manager: Corporate and Human Resources being appointed the champion of the Recognition and Rewards Policy implementation.

2.4.3 That authority be granted to the Deputy City Manager: Finance to identify savings for policy implementation in the 2018/19 financial year and thereafter make appropriate budget provisions for the ensuing financial years.

ADOPTED.

3. REPORT OF THE SECURITY AND EMERGENCY SERVICES COMMITTEE:
MEETING HELD ON 2018-06-13

(Page R26)

3.1 Serving of Summons in Respect of Traffic and By-Law Charges Issued by Metro Police (28/2/4/3):

(Page 40: Security and Emergency Services Committee - Agenda 2018-06-13)

As part of its operational plan, Durban Metro Police is seeking authority to engage Summon Servers to serve summons relating to traffic and by-law charges in terms of Section 54 of the Criminal Procedure Act No. 51 of 1977, as amended.

At the Executive Committee, Members of the DA voted against this matter on the basis that further information is still required to achieve certainty on the cost implications and tender processes. The majority members supported the initiative as it is considered to impact the local communities as a job creation and poverty alleviation mechanism. The costs implications were submitted to the meeting.

Accordingly,

COMMITTEE RECOMMENDS:

- 3.1.1 That the Head: Metro Police be authorised to engage Summon Servers who will operate as independent contractors to personally serve summons relating to traffic offences across the eThekweni Region, in line with By-law charges in terms of Section 54 of the Criminal Procedure Act No. 51 of 1977, as amended, it being noted that individuals to operate as Summon Servers will be identified from the respective Wards to circumvent travel costs.
- 3.1.2 That the rate of pay shall be R50. 00 (Fifty Rand) per personally served summons to the person/offender and a subsequent increase to be reviewed annually in the month of July.

Vote 20081.11200.12120.0000.MRC01.0010; R1 974 400,00

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor A Beetge, seconded by Councillor EL Singh, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Security and Emergency Services Committee in order to obtain clarities on the implementation plan and the Supply Chain Management Policy and its implementation.

NOT CARRIED

As some Councillors were not in support of the reference back, the matter was put to the vote. With 172 Councillors present, 50 DA Councillors voted in favour and 122 Councillors (ANC – 97, IFP – 8, EFF – 6, IND – 3, AIC – 3, DLC – 1, TA - 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted against. There were no abstentions recorded.

The above-mentioned motion to refer back was, by the majority vote, NOT CARRIED.

Discussion thereafter reverted to the substantive motion and as some Councillors were not in support of the above-mentioned recommendations of the Executive Committee and with majority of the Councillors being in favour thereof, the matter was put to the vote.

With 168 Councillors present, 116 Councillors (ANC – 95, IFP – 8, EFF – 5, IND – 3, DLC – 1, TA - 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 52 Councillors (DA – 49 and AIC – 3) abstained from voting.

The above recommendations of the Executive Committee were, by the majority vote, **ADOPTED.**

- 3.2 Bail Refund to Department of Justice (28/2/4/4):
(Page 43: Security and Emergency Services Committee - Agenda 2018-06-14)

At the Security and Emergency Services Committee meeting, it was advised that from 2008 to 2015 the Durban Magistrate Court had erroneously paid eThekweni Municipality bail monies that were received through the Court in respect of traffic violations.

It was noted that these monies were received and banked by the Municipality in good faith on the belief that the money belonged to the Municipality as per the interpretation by Court officials. Thereafter, the Municipality was advised by the Magistrate Court that the money belonged to the State as such information was defined by the Criminal Procedure Act. Consequently, Durban Metro Police consulted with the Legal and Compliance Services Unit and was advised that there was no basis for refusal to refund such monies.

With the Executive Committee being in agreement therewith,

COMMITTEE RECOMMENDS:

- 3.2.1 That authority be granted for the Head: Metro Police to refund a total amount of R3 067 320, 00 (Three Million and Sixty Seven Thousand Three Hundred and Twenty Rand) to the Department of Justice in respect of bail monies erroneously paid to eThekweni Municipality, it being recorded that Metro Police will currently refund an amount of R2 213 520, 00 (Two Million Two Hundred and Thirteen Thousand Five Hundred and Twenty Rand) which amount has been verified thus far and the balance will be refunded upon the completion of the verification process.
- 3.2.2 That subject to the approval of .1 above funding for the bail refund be extracted from the Metro Police Suspense Account – 20051.63230.4.99000.0000.PD001.0010.

ADOPTED.

- 3.3 Approval of Level 2 Disaster Management Plan:
(Page 276: Security and Emergency Services Committee - Second Supplementary Agenda 2018-06-13)

At the Security and Emergency Services Committee meeting, the Level 2 Disaster Management Plan which is a strategic document aimed at outlining disaster management principles and emergency response procedures applicable to all Municipal Departments, was interrogated. It was noted that this plan would also be supported by external Departments in the event of a disaster or major incidents within the eThekweni Municipal area. The entire plan incorporates disaster co-ordination strategies and measures to finance these strategies.

The Executive Committee recommended that in view of disaster management being a transversal matter, presentations be made to Council's Support Committees and other relevant Forums for parties to reach a common understanding on disaster management practices.

Accordingly,

COMMITTEE RECOMMENDS:

- 3.3.1 That the Level 2 Disaster Management Plan which serves as a strategic document to guide emergency response efforts by Municipal Departments during disaster and major incidents within the eThekweni Municipal area, be adopted.
- 3.3.2 That subject to the adoption of .1 above, the current Disaster Management Corporate Plan be replaced by the Level 2 Disaster Management Plan.
- 3.3.3 That Municipal Departments be requested to develop proactive and reactive Departmental Disaster Management plans by the end of January 2019 in order to support disaster risk reduction, ensure effective disaster response and continuation of service during disaster.
- 3.3.4 That the Head: Disaster Management and Emergency Control be granted authority to workshop local community on the Level 2 Disaster Management Plan and also workshop the Council’s Support Committees and other relevant stakeholders in view of disaster management being a transversal matter.

ADOPTED.

4. UPDATE OF CREDIT FACILITY AND SHORT-TERM OVERDRAFT FACILITY WITH NEDBANK (7/8/4)

(Page 14)

COMMITTEE RECOMMENDS:

- 4.1 That in line with Section 45 (3)(b) of the Municipal Finance Management Act No. 56 of 2003 Council notes an update of the City’s Facilities with Nedbank, as reflected in the table below, and supports that the facilities remain in effect for the duration of the five (5) year contract with Nedbank which expires on 2020-09-30.
- 4.2 That the City Manager, in his capacity as Accounting Officer, reports back to Council on any further changes as and when it may occur and that the Accounting Officer provides an update not later than the end of the next financial year being 2019-06-30.

No.	Facility Description	Value of Facility (R)	Utilization as at 2018-04-30 (R)
1.	Primary Overdraft	20 000 000	Nil
2.	Performance Letter off Guarantees	80 000 000	66 617 387
3.	Letters of Credit	1 500 000	Nil
4.	Derivatives	70 000 000	Nil
5.	Fleet Management	60 000	11 621
6.	Secondary Overdraft Facility	580 000 000	
	Total Facility Portfolio and Usage	751 515 000	66 629 008

ADOPTED.

5. INTEGRATED DEVELOPMENT PLAN: 2017/2018 MID-TERM AMENDMENTS TO THE ORIGINAL ORGANISATIONAL SCORECARD AND SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/1/6/1 & 2/10/1/1/9)

(Page 19)

The Committee noted the reasons which necessitated additional amendments and the need to approve such to avoid audit findings. The issue of downward trends in targets on key service delivery matters was questioned. The explanation given provided justification for the revision and the undertaking not to compromise service delivery.

Accordingly,

COMMITTEE RECOMMENDS:

That in terms of Section 5(c) of the Local Government Municipal Finance Management Act, the additional amendments to the Integrated Development Plan 2017/2018 and mid-term amendments to the original organizational scorecard and Service Delivery and Budget Implementation Plan, as indicated in the schedule attached to the report of the City Manager dated 2018-06-08 relative hereto, be adopted, it being recorded that the amendments relate to Plans 1; 2; 3; 4; 6A; 7A; and Durban Marine Theme Park and is informed by, amongst other things, delays as a result of work stoppages; poor performance by appointed contractors; supply chain management processes; additional work as a result of storm damages; and a need to pitch some of the Key Performance Indicators at a strategic level.

ADOPTED.

6. RECTIFICATION OF ERRONEOUS REFERENCES IN COUNCIL BUDGET RESOLUTION (7/1/2/1)

(Page 44)

COMMITTEE RECOMMENDS:

That Council approves amendments to the Council resolutions dated 31 May 2018, relating to the 2018/19 Municipal Budget, as tabulated below:

Resolution	Error	Proposed Amendment
No. 15.6.2	'Urban Development Line'	Outside Urban Development Line
No. 15.7.1	2018/2019 financial year	2019/2020 financial year
No. 15.7.2	Rates Policy 2017/2018	Rates Policy 2018/2019
No. 15.7.3.3	Clause 7.2.2.(g)	Clause 7.2.2.4
No. 15.7.13	(i) Green Field Development as defined in the Rates Policy; and (ii) Brown Field Development as defined in the Rates Policy.	(i) Green Field Development as defined in the Rates Policy. (ii) Brown Field Development as defined in the Rates Policy,
No. 15.7.14.3	Clause 9.3.1.2	Clause 9.4.1.2

ADOPTED.

7. DRAFT 2018/19 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (11/1/1)

(Page 56)

Members of the DA and the IFP abstained on this matter on the basis that the document was illegible, hence, they had been unable to scrutinize the contents therein. With the revised document having been circulated at the meeting, it was recommended that members submit input and comments prior to the matter being finalised at Council level.

COMMITTEE RECOMMENDS:

That in terms of Section 69 (3) of the Municipal Finance Management Act (MFMA), the Draft Service Delivery and Budget Implementation Plan of the 2018/19 financial year attached to the report of the City Manager dated 2018-06-08, be adopted.

As some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 162 Councillors present 112 Councillors (ANC- 93, IFP – 8, EFF – 5, IND - 3, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 50 Councillors (DA – 47 and AIC – 3) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

8. REQUEST FOR APPROVAL OF BUSINESS EVENT INVESTMENT PARTNERSHIP FOR THE ROTARY INTERNATIONAL CONGRESS TO BE HOSTED IN ONE OF THE YEARS OF 2022/2023, 2023/2024, 2024/2025 OR 2025/2026 (13/2/1/1/1)

(Page 124)

COMMITTEE RECOMMENDS:

- 8.1 That Council approves in-principle the submission of the interest that the Rotary International Convention be hosted in Durban in any one of the years of 2022/2023; 2023/2024; 2024/2025 or 2025/2026.
- 8.2 That Council approves in-principle partnership investment of R20 Million at projected rates towards securing the Inkosi Albert Luthuli Complex (ICC and DEC) as well as hospitality marquees.
- 8.3 That the Deputy City Manager: Economic Development and Planning negotiates appropriate partnership mileage with the Rotary International, commensurate to the City's investment.
- 8.4 That subject to the bid being secured, Council grants approval for the City Manager to enter into a contractual agreement with the Rotary International.
- 8.5 That when the bid being secured, a report be tabled to Council advising of the outcome thereof and seeking authority in respect of the actual financial implications at the time if there are any changes.

ADOPTED.

9. PROGRESS REPORT ON THE IMPLEMENTATION OF THE CORPORATE GOVERNANCE OF INFORMATION AND COMMUNICATION TECHNOLOGY PLAN (10/P)

(Page 133)

COMMITTEE RECOMMENDS:

That Council notes the progress report made on the Corporate Governance of Information and Communication Technology implementation for the 2017/2018 financial year as indicated in the report of the City Manager dated 2018-06-04, which focuses on the following processes: (a) Ensure Resources Optimisation; (b) Manage ICT Management Framework; (c) Manage Relationships; (d) Manage Risk; (e) Monitor, Evaluate and Assess Compliance with External Requirements.

NOTED.

10. 2017/2018 QUARTER 3 BACK TO BASICS REPORT (2/3/2/1/2 & 2/10/1/1/1)

(Page 136)

The Committee noted with great appreciation the assessment rating by the Department of Co-operative Governance and Traditional Affairs which reveals that eThekweni Municipality sits at 82% in terms of functionality.

COMMITTEE RECOMMENDS:

That in terms of Circular No. 3 of 2018 from the Provincial Department of Co-operative Governance and Traditional Affairs, the Back to Basics Report for Quarter 3 of the 2017/2018 financial year, details of which are contained in the report of the City Manager dated 2018-05-25 and the summary of the assessment score as indicated hereunder, be noted.

Summary of Assessment Score for Quarter 3

PILLAR	PILLAR NAME	TOTAL POINTS	ACTUAL ACHIEVED	
			No. of Points	Percentage
A.	Putting People First	8	5	63%
B.	Delivering Basic Services	20	17	85%
C.	Good Governance	12	12	100%
D.	Sound Financial Management	19	15	79%
E.	Building Capable Local Government Institutions	8	6	75%
	TOTAL	67	55	82%

NOTED.

11. REPORT ON AWARDS MADE BY THE CITY FOR THE MONTH OF MAY 2018 (9/1/3)

(Page 143)

According to the report submitted to the Committee, eThekweni Municipality is making good progress in terms of allocating contract work to eligible service provider. Confirmation was given that future reports will include work awarded to vulnerable groups in line with the vision of the Municipality.

COMMITTEE RECOMMENDS:

- 11.1 That the public tender awards by the City for the month of May 2018, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the City Manager dated 2018-06-08, be noted.
- 11.2 That it be noted that where the information is available for wards and registration numbers, it is included in the report, as information used to compile the report is taken from submissions made by Units.
- 11.3 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where wilful and negligent violation of the Supply Chain Management Policies and the Municipal Finance Management Act provisions are observed.
- 11.4 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the City Manager can only respond when the reports are available.

Recommendations 11.1 and 11.2 NOTED and Recommendations 11.3 and 11.4 ADOPTED.

12. IRREGULAR EXPENDITURE 2016/2017 AND 2017/2018 FINANCIAL YEARS (9/1/3)

(Page 157)

The Committee acknowledged and commended the drastic reduction in irregular expenditure compared to the prior financial year. Assurance was given that goods and services have been received and that value for money has been certified. Meanwhile, the Committee noted a need to create a balance between ensuring effective and sustainable service delivery and compliance with the supply chain management processes.

Specifics having been given on the circumstances which led to incurring irregular expenditure, the attention was drawn to the fact that all relevant parties have been engaged and approved the report. This included certification by line departments and the City Manager; approval by the Bid Adjudication Committee; consideration by the City Integrity and Investigations Unit and by the Municipal Public Accounts Committee. The report was also to serve before the Auditor-General. Application of consequent management and recoverability were still an option pending the outcome of further investigations.

Whilst noting the reduction in irregular expenditure, the Committee recommended that internal controls be strengthened further including monitoring the expiry of contracts through contracts registers.

Members of the DA and the IFP voted against the condonement of irregular expenditure since they maintained this has occurred due to poor planning. The majority ANC supported the condonement based on the fact that the necessary processes had been complied with and that there had been no fruitless and wasteful expenditure incurred as a result thereof.

COMMITTEE RECOMMENDS:

- 12.1 That Council condones irregular expenditure in the amount of R1 396 057.00 (One Million Three Hundred and Ninety Six Thousand and Fifty Seven Rand) for the 2016/17 financial year and R48 605 209.39 (Forty Eight Million Six Hundred and Five Thousand Two Hundred and Nine Rand Thirty Nine Cents) for the 2017/18 financial years as per the details contained in the report of the City Manager dated 2018-05-23.
- 12.2 That it be noted that goods and services have been received and value for money has been certified by the respective Heads of Departments.
- 12.3 That it be noted that the regularization of expenditure referred to above relates only to the contravention of the Supply Chain Management Policy issues and that depending on the outcome of further investigations by the Speaker, the City Manager, City Integrity & Investigations Unit, Line Departments, Municipal Public Accounts Committee, further action may arise, including disciplinary action, recovery of monies, and criminal charges being instituted where applicable.
- 12.4 That subject to the approval of Council, a report be submitted to the Department of Co-operative Governance and Traditional Affairs, National Treasury and the Office of the Auditor-General in line with the requirements of Section 32 and Section 170 of the Municipal Finance Management Act No.56 of 2003.

Some Councillors were not in support of the above recommendations of the Executive Committee as this was perceived to have occurred as a result of poor planning. The majority of Councillors appreciated the fact that the internal controls have been strengthened, hence the reduction on irregular expenditure. Further, that there has been value for money on the expenditure incurred. The matter was then put to the vote. With 172 Councillors present 105 Councillors (ANC- 97, IND - 3, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and 67 Councillors (DA – 52, IFP – 8, EFF – 4 and AIC – 3) voted against. There were no abstentions recorded.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

(In the absence of Her Worship the Mayor, Councillor ZRT and the Deputy Mayor, Councillor F Peer, Councillor MM Mthembu presented the Third Report of the Executive Committee).

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-06-26)

PRESENT : Executive Committee Members ZRT Gumede (Mayor and Chairperson), F Peer (Deputy Mayor), HU De Boer, BA Fortein, NL Graham, S Hoosen, SA Kaunda, MM Mthembu, MS Nkosi and ZR Sokhabase.

1. REPORT OF COMMUNITY SERVICES COMMITTEE: MEETING HELD ON 2018-06-14

(Page R1)

1.1 Acquisition of Leases for eThekweni Municipality Libraries (17/2/2/12):
(Page 47: Community Services Committee – Agenda 2018-06-14)

The Committee considered important to explore the feasibility of identifying Municipal-owned properties or land for use by libraries currently located in privately-owned properties. Consequently, the Acting Head: Real Estate was requested to investigate and provide feedback in this regard.

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the City Manager to facilitate the process of acquiring leases for the following libraries, Hillary; Grosvenor; Musgrave; Windermere; Prince Edward Street; Sparks Estate; Reservoir Hills; Tholulwazi; Durban North; Umbilo; Umhlanga; Montlands; Galleria; and Don Africana/Reference, for an initial period of three years, with effect from 2019 and 2020, depending on the lease expiry date of each Library, with five rights of renewal for a period of three years to a maximum period of 15 years, which option shall be at the discretion of the Municipality.
- 1.1.2 That it be noted that the City Manager will ensure that the relevant Supply Chain Management process is followed to acquire the leases for the Libraries mentioned in .1 above.
- 1.1.3 That subject to the approval of .1 and .2 above, the Acting Head: Real Estate be authorised to negotiate the terms and conditions of the lease and sign all relevant documents pertaining thereto.
- 1.1.4 That the Acting Head: Real Estate reports on the feasibility of securing Municipal-owned properties to house the Libraries currently situated in privately-owned properties.

ADOPTED.

(At the Council meeting an addendum report was submitted on Grant-in-Aid applications and approvals thereof.)

1.2 Grant-In-Aid: Parks, Recreation and Culture Unit (7/14/1):
(Page 62: Community Services Committee – Agenda 2018-06-14)

The Committee considered the Grant-In-Aid applications received from various organisations. A decision was then taken to invest sufficient time to scrutinize the applications of the Eighteen (18) companies, hence, a workshop will be conducted as a matter of urgency year for this purpose. That Grant-In-Aid applications for organisations with existing Memorandum of Agreement with the Municipality be approved.

Given the circumstances,

COMMITTEE RECOMMENDS:

That the Grant-In-Aid applications received from Eighteen (18) various organisations as listed in the report by the City Manager dated 2018-02-08, be considered after the workshop to be convened by the Community Services Committee to scrutinize the applications for the 2018/19 to 2021/22 financial years and give the applicants the opportunity to present their businesses to the Committee.

ADOPTED.

1.2.1 The Play House Company:

COMMITTEE RECOMMENDS:

1.2.1.1 That authority be granted for the City Manager to enter into a Memorandum of Agreement with The Play House Company in respect of the Grant-In-Aid only for the 2017/2018 financial year, as part of promoting and developing arts, culture and heritage programme within the City.

1.2.1.2 That subject to the approval of .1 above, authority be granted to the Head: Parks, Recreation and Culture to provide Grant-In-Aid funds to the value of R2000 000.00 (Two Million Rand) to the Playhouse Company for the 2017/2018 financial year.

Vote No. 15503.25445. Various; R2 000 000.00; Provided 2017/2018;
FC: 33/635

ADOPTED.

1.2.2 KwaZulu-Natal Philharmonic Orchestra:

The Executive Committee noted that a Memorandum of Agreement (MOA) between eThekweni Municipality and KwaZulu-Natal Philharmonic Orchestra has expired. It was agreed to continue supporting the Orchestra in view of the impact of its operations within the City and that budget provision has been made for this purpose. Further engagements were to be held with Orchestra as part of strengthening the working relationship.

COMMITTEE RECOMMENDS:

1.2.2.1 That authority be granted for the City Manager to release a tranche of R2 000 000.00 (Two Million Rand) to the KwaZulu-Natal Philharmonic Orchestra in respect of the Grant-In-Aid for the 2017/2018 financial year pending the finalisation of the new Memorandum of Agreement, and which funding is aimed at supporting the operations of the Orchestra.

- 1.2.2.2 That authority be granted to the City Manager to negotiate for eThekweni Municipality to enter into a new Memorandum of Agreement with KwaZulu-Natal Philharmonic Orchestra in respect of the 2017/20 and subsequent financial years and thereafter pay the remaining tranches of R5 000 000.00 (Five Million Rand) for the 2017/2018 financial years upon the completion of the agreement.

Vote No. 15503.25445. Various; R2 000 000.00; Provided 2017/2018; FC: 33/635

ADOPTED.

- 1.2.3 KwaMashu Ekhaya Multi Arts Centre:

COMMITTEE RECOMMENDS:

- 1.2.3.1 That, in line with the existing Memorandum of Agreement between eThekweni Municipality and KwaMashu Ekhaya Multi Arts Centre, the Grant-In-Aid funds to the value of R1000 000.00 (One Million Rand), be allocated for the 2017/2018 financial year.

Vote No. 15503.25445. Various; R1 000 000.00; Provided 2017/2018;
FC: 33/635

ADOPTED.

- 1.2.4 Centre for Creative Arts:

COMMITTEE RECOMMENDS:

- 1.2.4.1 That, in line with the existing Memorandum of Agreement between eThekweni Municipality and Centre for Creative Arts, the Grant-In-Aid funds to the value of R2000 000.00 (Two Million Rand), be allocated for the 2017/2018 financial year.

Vote No. 15503.25445. Various; R2 000 000.00; Provided 2017/2018;
FC: 33/635

ADOPTED.

- 1.2.5 Bartel Arts Trust (BAT) Centre:

COMMITTEE RECOMMENDS:

- 1.2.5.1 That, in line with the existing Memorandum of Agreement between eThekweni Municipality and Bat Centre, the Grant-In-Aid funds to the value of R1000 000.00 (One Million Rand), be allocated for the 2017/2018 financial year.

Vote No. 15503.25445. Various; R1 000 000.00; Provided 2017/2018;
FC: 33/635

ADOPTED.

1.2.6 Durban Music School:

COMMITTEE RECOMMENDS:

- 1.2.6.1 That, in line with the existing Memorandum of Agreement between eThekweni Municipality and Durban Music School, the Grant-In-Aid funds to the value of R1000 000.00 (One Million Rand), be allocated for the 2017/2018 financial year.

Vote No. 15503.25445. Various; R1 000 000.00; Provided 2017/2018;
FC: 33/635

ADOPTED.

- 1.3 Grant-In-Aid Ad-Hoc Applications: Community Participation and Action Support Unit (7/14/1):
(Page L20: Community Services Committee - Agenda 2018-06-14)

1.3.1 Siza Community Care:

With the Democratic Alliance abstaining due to the report being laid on table, it was

COMMITTEE RECOMMENDS:

That, in line with the requirements of the Grant-In-Aid Policy, authority be granted to the Head: Community Participation and Action Support to approve the Ad Hoc Grant-In-Aid application received from Siza Community Care, a Non-Profit Organisation focusing on HIV/AIDS and domestic violence matters, and allocate Grant-In-Aid funds to the value of R200 000. 00 (Two Hundred Thousand Rand) to assist the organisation to acquire equipment required for its operations.

Vote. 32301.25040.12120.0000.38870.0010 R2000 000.00; F.C. No.2018/06/06

ADOPTED.

1.3.2 Waterloo Development Project:

With the Democratic Alliance abstaining due to the report being laid on table,

COMMITTEE RECOMMENDS:

That, in line with the requirements of the Grant-In-Aid Policy, authority be granted to the Head: Community Participation and Action Support to approve the Ad Hoc Grant-In-Aid application received from Waterloo Development Project, a Non-Profit Organisation focusing on community development, in particular addressing substance abuse and youth empowerment, and allocate Grant-In-Aid funds to the value of R230 000. 00 (Two Hundred and Thirty Thousand Rand) to assist the organisation in its war against drugs.

Vote. 32301.25040.12120.0000.38870.0010 R230 000.00
F.C No.2018/06/06

ADOPTED.

2. SUPPORT FOR SMART EXCHANGE ICT INCUBATION PROGRAMME
(20/1/6/3):
(Page L23 and 234: Economic Development and Planning Committee - Agenda
2018-06-07)

In order to allow further engagements on certain matters pertaining to the operations of Smart Exchange, the Executive Committee previously withdrew the above item from the report of the Economic Development and Planning Committee for the meeting held 2018-06-07. At the aforesaid Committee, members of the Democratic Alliance voted against the matter and requested that Smart Exchange presents its programme to the Committee.

At the Executive Committee clarity was provided that the funds contributed by eThekweni Municipality were used to empower SMMEs operating within the City. It was confirmed that training given by Smart Exchange was in line with the vision of the City. That arrangements have been made with Smart Exchange to discuss business opportunities as a result of Radical Economic Transformation. It was worth noting that one of the City’s Incubatees now has a business listed in the Johannesburg Stock Exchange. The meeting was then advised that arrangements would be made for Smart Exchange to present its incubation programme.

The members of the Democratic Alliance serving at the Executive Committee voted against the matter. With the majority members supporting the empowerment programme conducted by Smart Exchange and noting the opportunity created to interact further with the organization to ensure its operations align with all aspects of the City’s Vision,

COMMITTEE RECOMMENDS:

- 2.1 That the Head: Economic Development and Investment Promotion be duly authorised to continue participating in the SmartXchange Incubation Development Programme for the development of the sector.
- 2.2 That subject to the approval of .1 above, the City Manager be authorised to conclude a new Memorandum of Agreement (MOA) with SmartXchange, to give effect to the above for the next three (3) years ending December 2020.
- 2.3 That subject to the approval of .1 and .2 above, the Head: Economic Development and Investment Promotion be duly authorised in accordance with the MOA, to disburse funding to SmartXchange in the amount of R2 500 000.00 (Two Million Five Hundred Thousand Rand), excluding VAT), in 2017/2018 financial year; R2 625 000.00 (Two Million Six Hundred and Twenty Five Thousand Rand), excluding VAT, in 2018/2019 financial year; and R2 756 250.00 (Two Million Seven Hundred and Fifty Six Thousand Two Hundred and Fifty Rand), excluding VAT, in 2019/2020 financial year, in terms of Section 67 of the Municipal Finance Management Act and in accordance with MOA, to promote the objectives of the Economic Development and Job Creation Strategy.
- 2.4 That the Head: Economic Development and Investment Promotion be authorized to report progress on this initiative on an ongoing basis.

Vote No.: 26102.25445.210.12120.0000.38885.0010	R2 500 000.00	2017/2018
Vote No.: 26102.25445.210.12120.0000.38885.0010	R2 625 000.00	2018/2019
Vote No.: 26102.25445.210.12120.0000.38885.0010	R2 756 250.00	2019/2020

As some Councillors were not in support of the above recommendations of the Executive Committee on the basis that relevant clarity had not been provided to concerns raised, the matter was put to the vote. With 177 Councillors present 124 Councillors (ANC- 100, IFP – 7, EFF – 6, IND - 3, AIC – 3, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 53 DA Councillors abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

3. REQUEST FOR AUTHORITY TO APPOINT ADDITIONAL TWO (02) NEW ETHEKWINI MUNICIPALITY AUDIT & RISK COMMITTEE MEMBERS (4/3/2)

(Page 25)

It was recalled that during the appointment of new Audit & Risk Committee members in February 2018, Council mandated the City Manager to secure two (02) candidates in possession of Compliance Risk Management and Information Communication Technology.

Accordingly,

COMMITTEE RECOMMENDS:

That, in addition to the three (03) Audit & Risk Committee members appointed by Council in February 2018, Council approves the appointment of two (02) additional members, namely, Mesdames Nonhlanhla Baloyi and Neo Shabalala, who are in possession of requisite qualifications and skills for Compliance Risk Management and Information Communication Technology, to serve on the eThekweni Municipality Audit & Risk Committee for a period of three (03) years, with effect from 01 July 2018 to 30 June 2021.

ADOPTED.

4. REQUEST FOR AUTHORITY TO ESTABLISH TEMPORARY PANELBEATING AUTOMOTIVE HUB (8/3/1/7)

(Page 31)

Given the delays in completing the establishment of an Automotive Hub in Umlazi area, a temporary site has been located at Illovo area to assist the local informal panel beating community. The temporary site will take a shorter period to be in the state of readiness for use by panel beaters. The viability of the temporary site will be monitored to determine its benefits to the users. Consideration will also be given to establishing Automotive Hubs in easily accessible areas such as Mobeni and Alice Street.

Members of the Democratic Alliance abstained on the matter as they viewed the costs of the items of the temporary site to be exorbitant and requested information on issues surrounding the delays by the appointed contract to complete Umlazi Automotive Hub and the exact date by when the permanent hub will be completed.

With the majority members supporting the item as an interim measure to provide business premises and access to the automotive market,

COMMITTEE RECOMMENDS:

- 4.1 That, pending the completion of the establishment of an Automotive Hub at Umlazi area, Council approves the establishment of a temporary Automotive Panel beating Hub at the Illovu Depot area to provide proper business premises, capacity building and technical accreditation to improve access to the automotive market.
- 4.2 That Council approves funding in the amount of R3 000 000.00 (Three Million Rand) to set up a temporary site which costs will cater for building work; relocation of spraybooths from Mobeni workshop; air compressor; and staffing costs, and funds to be secured from savings to be identified by the Deputy City Manager: Finance.
- 4.3 That subject to the adoption of .1 and .2 above, the Head: Business Support, Tourism and Markets, oversees and manages the temporary incubation facility as part of their Emerging Business Development Strategy.
- 4.4 That Council notes the temporary facility will relocate to the permanent site in Umlazi once the Automotive Hub is completed in this area.

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor A Beetge, seconded by Councillor C Pappas, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to that Committee for further consideration.

NOT CARRIED

As some Councillors were not in support of the reference back, the matter was put to the vote. With 176 Councillors present, 53 DA Councillors voted in favour and 123 Councillors (ANC – 99, IFP – 8, EFF – 6, IND – 3, AIC – 3, DLC – 1, TA - 1, MOSA – 1 and APC - 1) voted against. There were no abstentions recorded.

The above-mentioned motion to refer back was, by the majority vote, NOT CARRIED.

Discussion thereafter reverted to the substantive motion. Some Councillors were not in support of the above-mentioned recommendations of the Executive Committee as they felt proper public participation processes had not been completed. Majority of the Councillors were in favour thereof since assistance was being given to empower local panel beaters. The matter was then put to the vote.

With 176 Councillors present, 123 Councillors (ANC – 99, IFP – 8, EFF – 6, IND – 3, AIC – 3, DLC – 1, TA - 1, MOSA – 1 and APC - 1) voted in favour and no Councillors voted against. 53 DA Councillors abstained from voting.

The above recommendations of the Executive Committee were, by the majority vote, **ADOPTED.**

5. DRAFT INDIVIDUAL PERFORMANCE MANAGEMENT POLICY
FRAMEWORK (4/6/P)

(Page 33)

COMMITTEE RECOMMENDS:

- 5.1 That Council notes draft Individual Performance Management Policy Framework developed to give effect to the Performance Management System prescribed in Chapter 6 of the Local Government Municipal Systems Act No. 32 of 2000; eThekweni Municipality Performance Management Regulation, 2006; and Regulations by the Department of Co-operative Governance and Traditional Affairs, 2014, in respect of managing performance by the City Manager and Deputy City Managers.
- 5.2 That Council notes the framework contained in the report by the City Manager dated 2018-06-21 seeks to ensure resources are utilized economically; efficiently; and effectively so that value for money is obtained and outlines performance management planning; performance review and reporting, which include signing of Individual Performance Plans; performance assessment by the Evaluation Panel; payment of performance bonus; and dispute resolution mechanism.
- 5.3 That Council contributes input and comments into the draft Individual Performance Management Policy Framework through Support Committees for the final draft to be approved at the July Council meeting.

ADOPTED.

6. DRAFT ORGANISATIONAL PERFORMANCE MANAGEMENT POLICY
FRAMEWORK (2/10/1/1/1 & 4/6/1)

(Page 91)

COMMITTEE RECOMMENDS:

- 6.1 That Council notes draft Organizational Performance Management Policy Framework developed for use as an effective performance management tool to monitor the performance of eThekweni Municipality and its Entities, namely, Inkosi Albert Luthuli International Convention Centre and Durban Marine Theme Park, against predetermined objectives in the Eight-Point Plan as per the Municipality's Integrated Development Plan.
- 6.2 That Council notes the framework contained in the report by the City Manager dated 2018-06-21 seeks to outline the process and guideline for preparation of Service Delivery & Budget Implementation Plan for the new financial year; the public participation process; the process and guideline for actioning mid-term amendments; guidelines for development of Key Performance Indicators; Explanation and definitions of key Performance Monitoring and Evaluation concepts; guidance to key monitoring and evaluation tools, such as project plans; process for in-year and annual reporting; and requirements for evidence.
- 6.3 That Council contributes input and comments into the draft Organizational Performance Management Policy Framework through Support Committees for the final draft to be approved at the July Council meeting.

ADOPTED.

7. UPDATE ON COUNCIL APPROVAL TO BORROW R1.0 BILLION FOR CAPITAL PROJECTS (7/3/1/1/2)

(Page 151)

The eThekweni Municipal Council at its meeting held on 26 April 2018, gave authority for the City Manager to enter into and sign agreement between eThekweni Municipality and Nedbank for R1.0 billion loan for fifteen (15 years). All necessary processes have been complied with and the loan amount has been granted by Nedbank. However, Management requests to delay utilizing the loan amount given the current unfavorable interest rates in the South African market.

Management was commended for exercising responsible leadership characterized by ethical values in this regard. The decision to await improvements in the economic conditions was therefore supported.

Members of the Democratic submitted that they voted against the decision to secure loan with Nedbank. They then retained this vote at the Executive Committee level pointing out that the Municipality is unable to spend the capital budget provided for and that the level of revenue collection rate is unsatisfactory according to their view.

With the majority members supporting the responsible action taken by Management,

COMMITTEE RECOMMENDS:

That authority be granted to allow the drawdown for the 2017/18 loan funding of R1 billion from Nedbank to be delayed and the Availability Period for this loan be extended from 2018-06-29 to 2018-09-28.

Some Councillors were not in support of the above recommendations of the Executive Committee on the basis that ratepayers would be burdened. The majority of Councillors supported responsible decision making in this regard. The matter was then put to the vote. With 173 Councillors present 105 Councillors (ANC- 98, IND - 3, DLC - 1, TA- 1, MOSA – 1 and APC - 1) voted in favour and 68 Councillors (DA – 52, IFP – 7, EFF – 6 and AIC – 3) voted against. There were no abstentions recorded.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

8. FINANCIAL SUPPORT TO SPCA FOR PROVISION OF POUND SERVICES AND COLLECTION OF STRAY CATS AND DOGS ON BEHALF OF THE MUNICIPALITY (7/5/R)

(Page 153)

The Executive Committee acknowledged the operations of the SPCA and requested that this be extended to townships and rural areas for the programme to be implemented equitable. As such, SPCA would be requested to report on its operations within the eThekweni Municipal area for Council to ensure all communities benefit from this programme and that resources are utilized for the intended course. Further, it was agreed that a high level engagement be held with

SPCA to discuss the rationalization of its operations for the service to be provided equitable. That the Memorandum of Agreement to be entered into with SPCA should specify monitoring and evaluation mechanisms and reporting thereon.

On this basis,

COMMITTEE RECOMMENDS:

- 8.1 That authority be granted to the City Manager to conclude a Memorandum of Agreement (MOA) with the Durban and Coastal SPCA for the next three-year period starting from 2018-07-01 to 2021-06-30 to perform part of the pound function on behalf of the Municipality and in line with the relevant statutory requirements.
- 8.2 That, subject to .1 above, the City Manager be duly authorized in terms of Section 67 of the Municipal Finance Management Act, to disburse funds in the amount of R13 556 000.00 (Thirteen Million Five Hundred and Fifty Six Thousand Rand), excluding VAT, over the three (03) years in terms of MOA.
- 8.3 That authority be granted to the Deputy City Manager: Finance to identify savings amounting to approximately R1.5 Million for the period 2018/2019 financial year by means of an adjustments budget to fund the increase in expenditure to R4.3 Million.
- 8.4 That high level engagement be held with SPCA with a view to discussing the rationalization of its operations to cover the entire eThekweni Municipal area, in particular, the townships and rural areas.
- 8.5 That authority be granted to the City Manager to identify and assign the function of monitoring the implementation of the requirements of the MOA to a competent Unit, and which MOA will cover the aspect of monitoring and evaluation of the SPCA operations and the reporting thereon.

Vote	Financial Year	R (Excluding VAT)	
31103.25427.12120.0000.MRC01.0010	2018/2019	4 300 000.00	Subject to adjustment budget of R1.5 Million
	2019/2020	4 515 000.00	To be adjusted based CPI in next year
	2020/2021	4 741 000.00	

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor MM Mthembu, seconded by Councillor BA Fortein, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to that Committee to enable an engagement with the SPCA to be undertaken with regard to how the service would be implemented to all Communities of eThekweni.

CARRIED

As not all Councillors were in favour of the afore-mentioned motion to Refer Back the matter was put to the vote.

With 170 Councillors present 119 Councillors (ANC- 98, IFP – 6, EFF – 6, IND - 3, AIC – 3, DLC - 1, TA- 1 and APC - 1) voted in favour and 51 DA Councillors voted against. There were no abstentions recorded.

The above-mentioned motion to Refer Back was, by the majority vote, CARRIED.

Thereafter, it was

RESOLVED:

That the recommendations in respect of the item entitled Financial Support to SPCA for the Provision of Pound Services and Collection of Stray Cats and Dogs on Behalf of the Municipality be referred back to the Executive Committee to enable to enable an engagement with the SPCA to be undertaken with regard to the manner in which the service will be “rolled out” to all Communities of eThekweni.

9. **REQUEST FOR APPROVAL OF ETHEKWINI MUNICIPALITY SUCCESSIVE EMPLOYMENT EQUITY PLAN: 2018-2022 (4/3/3/1)**

(Page 174)

Arising from discussion, it was agreed that a platform will be created to engage on the aspect of eThekweni Municipality utilizing the Provincial rather than the Regional Statistics to inform its employment equity targets. It was confirmed though that the current approach by the Municipality was all-inclusive.

On this basis,

COMMITTEE RECOMMENDS:

That Council approves the eThekweni Municipality Successive Employment Equity Plan 2018-2022, as contained in the report by the City Manager dated 2018-06-14, for subsequent submission to the Department of Labour in compliance with Section 23 of the Employment Equity Act No. 55 of 1998, as amended.

As some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 171 Councillors present 110 Councillors (ANC- 99, EFF – 6, IND - 3, TA- 1, and APC - 1) voted in favour and no Councillors voted against. 61 Councillors (DA – 51, IFP – 6, AIC – 3 and DLC – 1) abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

10. REQUEST FOR ADDITIONAL FUNDING FOR PUBLIC TRANSPORT SERVICE IMPROVEMENT INCENTIVE PROGRAM (26/3/1/2)

(Page 204)

The initiative to support the black-owned business was commended as this was aimed at instilling and promoting ethical behavior in the taxi industry. It was acknowledged that the taxi industry is the key provider of public transport in the City. Further, that the industry will be instrumental in rolling out the new Integrated Public Transport Network within the City. Hence, the proposed pilot of five hundred (500) vehicles was supported to test the effectiveness of the programme and get the opportunity to address any teething challenges before rolling it out to the industry at a larger scale. It was confirmed that consultations have been held with the taxi industry association.

It was then recalled that Council has previously granted authority to pursue this project but that the current submission seeks authority for additional funding for some additional functions which have been identified and are critical for the effectiveness and success of the program.

Meanwhile, the Committee agreed that issues of public transport will be prioritised, hence, a decision to resuscitate the eThekweni Transport Authority Task Team for this purpose and to discuss, amongst other things, short, medium and long-term plans to improve public transport within the eThekweni Municipal area.

Members of the Democratic Alliance abstained on this matter as they viewed the project as valid but that there is a challenge of lack of proper monitoring and enforcement.

With the majority members supporting and regarding this as a progressive initiative,

COMMITTEE RECOMMENDS:

- 10.1 That authority be granted for the City Manager, on behalf of the eThekweni Municipality, to enter into a Memorandum of Agreement with the Non-Profit-Organization (NPO) established under the Economic Development Unit, in terms of Section 67 of the Municipal Finance Management Act, for the Pilot Phase of the five hundred (500) vehicles under the Public Transport Service Improvement Incentive Program.
- 10.2 That authority be granted for a new NPO to be established for the full roll-out of the programme and for the City Manager, on behalf of the eThekweni Municipality, to enter into a Memorandum of Agreement with the new NPO as well, it being recorded that the contract will be legally binding between the Municipality and the NPOs and sets in place the terms and conditions of the agreement and the methodology of contracting and payment.
- 10.3 That authority be granted for the utilization of the Municipal's Vehicle Monitoring System and equipment as part of this programme and the authority to install vehicle tracking systems onto the Taxi Owners Vehicles for the Pilot Phase.

- 10.4 That Council approves the additional budget from the originally approved budget of R131 Million to R202 Million to cater for the Programme set-up and management, Skills Development Programme, Vehicles set-up, Driver induction & training, Vehicle Decals, Marketing and Communications, Vehicle Tracking Units, Tracker Data, Incentives for Drivers, VAT; and contingency.

Vote No.: 52200/19615/12120/0000/MRC01/0010

R1 Million is provided on the 2018/2019 Adjustment budget, the balance will have to be provided in the Adjustment Budget hence no FC issued.

Before consideration of the abovementioned item, Councillor Snyman declared an interest thereon and recused himself from the meeting. The Speaker thereafter requested Councillors who had not declared their interest on the matter at the beginning of the meeting to recuse themselves. Some Councillors thereafter obliged to the request of the Speaker.

Some Councillors were not in support of the above recommendations of the Executive Committee on the basis that a pilot project should be undertaken prior to a roll out of the programme, the matter was put to the vote. With 169 Councillors present 114 Councillors (ANC- 95, IFP – 8, IND - 3, AIC - 3, DLC - 1, TA- 1, MOSA – 1, APC – 1 and AL JAMA-AH - 1) voted in favour and 49 DA Councillors voted against. 6 EFF Councillors abstained from voting.

The above recommendations of the Executive were, by the majority vote, ADOPTED.

(At this stage of the proceedings all Councillors who had recused themselves re-entered the meeting).

11. REQUEST FOR AUTHORITY TO APPOINT TEAM DURBAN INVESTMENT ADVISORY FORUM EXTERNAL MEMBERS (14/2/1/5)

(Page 217)

With eThekweni Municipality implementing vigorous attempts to lure investment into Durban, the Executive Committee supported the Team appointed to assist the City in this regard. The Team comprises prominent people in their respective fields. Their role would entail providing strategic foreign direct investment advice and support to the City and act as a business sounding board for the eThekweni Municipal Leadership on business and investment promotion matters. It was noted that their service would be on a voluntary basis but that the Municipality will cover their travel and accommodation expenses where required and in accordance with the Municipality's Travel Policy.

The incumbents appointed have been selected from a number of one hundred and fifty five (155) applicants who responded to the advertisements placed in the local newspapers, including Ezasegagasini Metro and the Municipality's website. They meet the criteria set by the Municipality for this purpose. During consideration of the matter, it was recommended to replace Prof Monique Marks with a name to be provided during the Council meeting.

Accordingly,

COMMITTEE RECOMMENDS:

- 11.1 That Council approves the appointment of the following external members to serve on Team Durban Investment Advisory Forum, for a period of three (03) years, with effect from 01 July 2018 to 30 June 2021, to provide strategic foreign direct investment advice and support to the City and act as a business sounding board for the leadership of eThekweni Municipality.

No.	Incumbent	Company	Designation
1.	Suben Moodley	Toyota South Africa	Senior Vice President for Corporate Affairs
2.	Mike Deighton	Tongaat Hulett	Managing Director for 10 years
3.	Themba Ngcobo	Exel Petroleum	Founder & Director
4.	Musa Makhunga	HR Matters (Pty) Ltd	Durban Chamber of Commerce President. Founder & Managing Director of HR Matters for 3 years
5.	Sandile Zungu	Zico	Corporate Director for 20 years
6.	Steven Saad	Aspen Pharmaceuticals	Corporate Director for 20 years
7.	Mlungisi Ntombela	EThekweni Disability Sport Forum	General Manager for 10 years
8.	Faisal Mkhize	ABSA	Managing Executive
9.	Zanamuhla Khanyile	Department of Correctional Services	Section Head for 7 years
10.	Samukelisiwe Nzimande	K2M Financial Services (Pty) Ltd	Managing Director for 2 years
11.	Howard Arrand	FNB	Provincial Head
12.	Manto Madlala	PSL & Golden Arrows	Former Chairperson of Inkosi Albert Luthuli International Convention Centre Golden Arrows Football Club Chairperson
			Acting Chief Executive Officer of Premier Soccer League
13.	Thulisa Ndlela	Ayigobi Investments	Young Entrepreneur and Chair of Ayigobi Investments

- 11.2 That the Deputy City Manager: Economic Development and Planning provides liaison and administrative support to the Team Durban.
- 11.3 That the Deputy City Manager: Economic Development and Planning provides progress reports to Council on the functioning and outputs of the Team Durban.
- 11.4 That Council notes members of Team Durban Advisory Forum from the Municipality comprise Her Worship the Mayor, Councillor ZRT Gumede, who will also serve as the Chairperson of the Forum; and that other members include, the Chairperson of the Economic Development and Planning Committee, Councillor S Kaunda; City Manager; Deputy City Manager: Economic Development & Planning; Invest Durban Unit officials, who are also provide administrative support to Team Durban; representatives of big businesses in the City, including

FDI Corporates; representatives of Small to Medium business in the City; and representatives of the Civil Society, including youth and academia.

ADOPTED.

12. UPDATE ON SALARY AND WAGE NEGOTIATIONS BY SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL (4/5/1/1)

(Page 255)

COMMITTEE RECOMMENDS:

- 12.1 That following a mandate given by Council on, amongst other things, the 7% increase on salary and wages with effect from 01 July 2018, as per the proposal tabled by the Facilitator appointed by the South African Local Government Bargaining Council (SALGBC), Council notes that the South African Local Government Association (SALGA) has reverted to its final offer prior to the proposal which is an increase of 6.6% effective 01 July 2018, following the rejection of the 7% proposal by the South African Municipal Workers Union (SAMWU).
- 12.2 That Council notes that SAMWU has rejected the 7% increase as per the Facilitator's proposal and subsequently declared a dispute and the matter is due to follow a conciliation process and will be heard by a Senior Commissioner appointed by SALGBC on 28 June 2018.
- 12.3 That Council notes in the event the conciliation process does not yield positive results, a certificate of non-resolution will be issued and thereafter SAMWU may opt to embark on a strike action after following the necessary process including filing notice within the prescribed deadline.
- 12.4 That Council notes the Municipality has in place a detailed strike management guidelines with contingency plans which will be followed in the event of strike action by SAMWU, and it being recorded that employees engaged in essential services, including Water & Sanitation; Electricity; Metro Police; Fire & Emergency Services; Cleansing & Solid Waste; Health and Security are not lawfully permitted to participate in any strike action.

NOTED.

13. APPROVAL OF ENTERPRISE RISK MANAGEMENT GOVERNANCE POLICY AND FRAMEWORK (2/10/1/1/8)

(Page 262)

COMMITTEE RECOMMENDS:

- 13.1 That in terms of Section 62(1) (c) and Section 95 (c)(i) of the Municipal Finance Management Act, Council approves the Enterprise Risk Management Governance Policy and Framework, attached in the report of the City Manager dated 2018-06-20 and which document is based on ISO 31000 methodology and takes into account the need to align risk management with the ISO standards that most Business Units implement across the Municipality and its Entities thus ensuring continual improvements in Municipal processes and allowing progressive advancement to desired risk maturity levels.

- 13.2 That, subject to the approval of .1 above, authority be granted to the Deputy Head: Risk Management and Advisory Services to implement the Enterprise Risk Management Governance Policy and Framework.

ADOPTED.

- 14. BUDGET STATEMENT REPORT FOR THE MONTH ENDED 2018-05-31 (7/1/4)

(Page 350)

In noting the imminence of the end of the current financial year, it was acknowledged that a comprehensive review of the budget statement will be undertaken at the end of July 2018.

On this basis,

COMMITTEE RECOMMENDS:

That the Budget Statement Report for the month ended 2018-05-31, submitted by the City Manager as per his report dated 2018-06-21, in compliance with Section 71 of the Municipal Finance Management Act No. 56 of 2003 and Section 28 of the Municipal Budget and Reporting Regulations in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, be noted.

NOTED.

- 15. REQUEST FOR APPROVAL TO RELEASE LAND FOR BUSINESS PROCESS OUTSOURCING PARK IN BRIDGE CITY TOWN CENTRE (17/2/2/5/1)

(Page 491)

In noting the existing agreement between eThekweni Municipality and Effingham Development Joint Venture,

COMMITTEE RECOMMENDS:

- 15.1 That Council grants authority to release selected land-parcel from the Effingham Development Joint Venture agreement for the amount of R26 632 500.00 (Twenty Six Million Six Hundred and Thirty Two Thousand Five Hundred Rand) and allocate this for Municipal purposes to develop Business Process Outsourcing in the Bridge City Town Centre – Upper Platform, as a viable mechanism to improve employment creation in line with the requirements of the eThekweni Municipality Economic Development and Job Creation Strategy.

- 15.2 That subject to the adoption of .1 above, project authority be granted to utilize savings identified from the Economic Development and Investment Promotion Unit as depicted on the reprioritization table below.

Project Name	Expected Expenditure	Savings Identified
Umgababa Development	R9 500 000.00	R24 500 000.00
Magabheni Business Hive	R7 000 000.00	R2 132 500.00
TOTAL		R26 632 500.00

- 15.3 That subject to the adoption of .1 and .2 above, approval of the Bid Adjudication Committee be sought to pay Effingham Development Joint Venture the amount of R26 632 500.00 (Twenty Six Million Six Hundred and Thirty Two Thousand Five Hundred Rand), excluding VAT.
- 15.4 That subject to the approval of .1, .2, and .3 above, authority be granted to the Head: Real Estate to undertake the land legal procedures necessary to withdraw the selected land parcels described as Erven 141 and 142 of Bridge City, as depicted on the 'Bridge City Overall Layout – Sales Plan' dated December 2017 and Drawing No. 5388F/LAYOUT/N2, from the Joint Venture Agreement with Tongaat Hulett Developments.
- 15.5 That subject to .1, .2, .3 and .4 above, authority be granted to the Head: Economic Development and Investment Promotion to make payment to the Effingham Development Joint Venture the amount of R26 632 500.00 (Twenty Six Million Six Hundred and Thirty Two Thousand Five Hundred Rand), excluding VAT.
- 15.6 That subject to .4 above, the Effingham Development Joint Venture, in its capacity as Development Manager of the Bridge City Town Centre, be authorised to draw down a portion of the Municipality's share of proceeds from land sales at the Bridge City; to retain and manage such funds in a separate account; and to oversee the judicious allocation of off-set amounts equivalent to the levy that would be due on each site, and make payment of such amounts to the Bridge City Management Association, to whom these levies become due.

Financial Details:

Financial provision to meet these costs will be sought from savings on the 2017/2018 Capital Budget.

FC No.: 2018/18CA76

ADOPTED.

16. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO AMEND CONTRACT NO. WS6734 FOR WASTE REMOVAL FROM VENTILATED IMPROVED PIT TOILETS (23/2/2 & 9/1/3)

(Page L24)

A report was presented to the Executive Committee detailing appalling conditions surrounding the communities using Ventilated Improved Pit (VIP) toilets in Bester and KwaMashu area in the North of Durban. It was unanimously agreed that urgent interventions are required since this condition was inhuman, would lead to the outbreak of diseases and potential litigation from the members of the public.

To enable the Municipality to adopt a comprehensive approach in dealing with challenges surrounding the VIP toilets, it was recommended that an audit of all existing VIP toilets within the eThekweni Municipal area be conducted.

Given the circumstances and in noting that there is an existing contractor appointed for the removal of VIP waste,

COMMITTEE RECOMMENDS:

- 16.1 That, in line with the requirements of Section 116(3) (a) and (b) of the Municipal Finance Management Act, authority be granted to the Head: Water and Sanitation to increase the scope and contract value under Contract No. WS6734 for the removal of waste in Ventilated Improved Pit (VIP) in Bester and KwaMashu areas of the eThekweni Municipal Council for the following reasons:
- 16.1.1 A number of VIP toilets in Wards 47 and 54 in the Bester and KwaMashu area remain full and unusable thus a violation of the people’s Constitutional right to basic sanitation and equality in the provision of services.
- 16.1.2 The communities concerned are living under inhuman conditions and there would be a spread of diseases and pollution to the environment.
- 16.1.3 The Municipality faces a risk of being subjected to litigation from the members of the community in the event urgent interventions are not made.
- 16.2 That authority be granted for the Head: eThekweni Water and Sanitation to facilitate the emptying of twelve thousand four hundred and thirty two (12 432) VIP toilets at the original tendered rate of R1 850.00 (One Thousand Eight Hundred and Fifty Rand) per toilet.
- 16.3 That savings identified from other projects be utilized for the emptying of additional VIP toilets during the duration of the contract.

Financial Implications:

Funding for the emptying of additional VIPs will be provided in the 2018/2019 operational budget and any additional funding required will be sourced from savings from other projects during the duration of the contract and will be provided in the adjustment/authorizations as shown below.

Contract No.	Original Contract		Additional 15% contract adjustment/ commitments		Section 116 Authorization	
	Amount (VAT incl.)	No. of toilets emptied	Amount (VAT incl.)	Estimated number of toilets to be emptied	Estimated number of toilets to be emptied	Budget available for 2018/19 FY
WS 6734	R39 987 719.00	21000	R6 000 000.00	3200	12 432 based on the original tendered rate of R1850 per toilet emptied from the remaining budget of R23 Million	R29 000 000 – 15% of R39 987 719 = R23 000 000.00

Vote No.: 64050.10670.12/11400/0000/MRC01/0010

FC No.: 365/86

MOTION TO AMEND

In terms of Rule of Order Bylaw 20(4), Councillor MM Mthembu, seconded by Councillor ZR Sokhabase, moved as a procedural motion that the above recommendations of the Executive Committee be amended by the addition of the following recommendation 16.4:

“16.4 That in terms of the requirements of Section 116(3)(b)(i)(ii) of the MFMA, a public notice be advertised in the local newspapers advising of the Municipality’s intention to extend contract WS 6734 for waste removal from ventilated improved pit toilets.”

CARRIED

The above-mentioned Motion to Amend was unanimously CARRIED.

Thereafter, it was

RESOLVED:

- 16.1 That, in line with the requirements of Section 116(3) (a) and (b) of the Municipal Finance Management Act, authority be granted to the Head: Water and Sanitation to increase the scope and contract value under Contract No. WS6734 for the removal of waste in Ventilated Improved Pit (VIP) in Bester and KwaMashu areas of the eThekweni Municipal Council for the following reasons:**
- 16.1.1 A number of VIP toilets in Wards 47 and 54 in the Bester and KwaMashu area remain full and unusable thus a violation of the people’s Constitutional right to basic sanitation and equality in the provision of services.**
- 16.1.2 The communities concerned are living under inhuman conditions and there would be a spread of diseases and pollution to the environment.**
- 16.1.3 The Municipality faces a risk of being subjected to litigation from the members of the community in the event urgent interventions are not made.**
- 16.2 That authority be granted for the Head: eThekweni Water and Sanitation to facilitate the emptying of 12 432 VIP toilets at the original tendered rate of R1 850.00 (One Thousand Eight Hundred and Fifty Rand) per toilet.**
- 16.3 That savings identified from other projects be utilized for the emptying of additional VIP toilets during the duration of the contract.**
- 16.4 That in terms of the requirements of Section 116(3)(b)(i)(ii) of the MFMA, a public notice be advertised in the local newspapers advising of the municipality’s intention to extend contract WS 6734 for waste removal from ventilated improved pit toilets.**

Financial Implications:

Funding for the emptying of additional VIPs will be provided in the 2018/2019 operational budget and any additional funding required will be sourced from savings from other projects during the duration of the contract and will be provided in the adjustment/authorizations as shown below.

Contract No.	Original Contract		Additional 15% contract adjustment/ commitments		Section 116 Authorization	
	Amount (VAT incl.)	No. of toilets emptied	Amount (VAT incl.)	Estimated number of toilets to be emptied	Estimated number of toilets to be emptied	Budget available for 2018/19 FY
WS 6734	R39 987 719.00	21000	R6 000 000.00	3200	12 432 based on the original tendered rate of R1850 per toilet emptied from the remaining budget of R23 Million	R29 000 000 – 15% of R39 987 719 = R23 000 000.00

Vote No.: 64050.10670.12/11400/0000/MRC01/0010

FC No.: 365/86

REPORT OF COMMITTEE DECISIONS

Decisions of Committees reflected below have been reported to Council by way of circulating minutes of such Committees to each Member of the Council:-

1. CIVILIAN OVERSIGHT COMMITTEE

Meeting held on : 2018-05-23

2. COMMUNITY SERVICES COMMITTEE

Meeting held on : 2018-05-10

3. EXECUTIVE COMMITTEE

Meetings held on : 2018-05-29
: 2018-06-12

4. ETHEKWINI MUNICIPALITY AIDS COMMITTEE

Meeting held on : 2018-03-06

5. HUMAN RESOURCES DEVELOPMENT SUB-COMMITTEE : HEALTH UNIT

Meeting held on : 2018-05-14

6. HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE

Meetings held on : 2018-05-18
: 2018-06-05

7. LOCAL LABOUR FORUM: COMMUNITY AND EMERGENCY SERVICES CLUSTER
Meeting held on : 2018-05-29
8. LOCAL LABOUR FORUM: ELECTRICITY UNIT
Meeting held on : 2018-05-22
9. LOCAL LABOUR FORUM: FIRE AND EMERGENCY SERVICES & DISASTER MANAGEMENT & EMERGENCY CONTROL UNIT
Meeting held on : 2018-05-29
10. LOCAL LABOUR FORUM: HEALTH UNIT
Meetings held on : 2018-05-18
: 2018-06-04
11. LOCAL LABOUR FORUM : HUMAN RESOURCES DEVELOPMENT SUB-COMMITTEE: TREASURY AND OFFICE OF THE CITY MANAGER
Meeting held on : 2018-05-14
12. LOCAL LABOUR FORUM: METRO POLICE UNIT
Meeting held on : 2018-05-21
13. SPEAKER'S COMMITTEE
Meetings held on : 2018-05-24
: 2018-05-28

NOTED.

ITEMS FOR NOTING

The Items for Noting, reflected on Page 40 to 42 of the Agenda were NOTED.

The meeting terminated at 14:17

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2018-07-31

SPEAKER